

Offending Behaviour

Moral Reasoning, Criminal Conduct
and the Rehabilitation of Offenders

**WILLAN
PUBLISHING**

Emma J. Palmer

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For my Mum and Dad

Preface

I first became interested in offending, and criminology in general, while an undergraduate student at Cambridge University where I took a module in 'Crime and Deviance'. This module exposed me to a range of explanations of offending, covering sociology, psychology and psychiatry, and it was during the psychological aspects part of the course that I first came across Kohlberg's theory of moral reasoning. The interest this module generated led to an undergraduate dissertation that considered the role of rational choice and family background factors in criminal behaviour. After this, the logical step was a PhD in forensic psychology, where I developed further my interest in the interactions of moral reasoning, social cognition and parenting in explaining offending. Fully captured by the idea of pursuing an academic career by this point, I have since continued to work on the ideas developed during my PhD, culminating in my decision to write this book.

The writing of this book has provided me with a number of interesting experiences, some good and some not so good! I particularly enjoyed being able to dedicate myself to one topic in such depth, and feel my own thinking has developed greatly by doing so. Going back and reading much of Kohlberg's original work on moral reasoning was also extremely illuminating, particularly as this led to the realisation that some of the summaries describing his theory that I have read contain some minor inaccuracies!

As with any project of this sort, there are a number of people without whom this book would not have been written. Thanks must first go to Clive Hollin for encouraging me to write this book in the first place. As my PhD supervisor he guided my first steps in moral reasoning theory and research, and the association of moral reasoning with offending. The research carried out during my PhD has continued to

inform my work since then, particularly with reference to how moral reasoning interacts with other factors to cause offending. The many discussions I had with Clive during my PhD and since have informed a number of my ideas on this wide-ranging topic. I would also like to thank the various colleagues and friends who have put up with me during the writing of the book – particularly towards the end of the writing it must have seemed that there was nothing else to my life! Of these people special reference must be made to Tracey for any idiosyncrasies I have displayed as a housemate during this process, and to Carl for providing non-judgmental support and for just being there.

On a practical level, the writing of this book was greatly facilitated by the granting of study leave by the University of Leicester, time which gave me space to read and think. While on study leave, I spent three enjoyable months in the Department of Criminology at the University of Melbourne, Australia. The welcome I received there, in both personal and academic terms, enabled me to make good progress on this book. Specific thanks at Melbourne go to Tony Ward for inviting me to spend time in the Department of Criminology and helping to arrange that things went smoothly from the moment I arrived to the day I left.

I would like to also thank the people who were kind enough to read drafts of chapters and provide constructive comments as to their improvement: Ron Blackburn, Clive Hollin, James McGuire and Tony Ward. Any remaining errors in the text are, of course, my responsibility. The references were collated and organised into their final format by Elaine Allen, who did a great job of a task that was new to her, while providing endless cups of tea to sustain my labours.

Finally, I would like to thank Willan Publishing for providing me with the opportunity to write this book. I've enjoyed the experience of doing so, and I sincerely hope that it meets their expectations.

Emma Palmer
September 2003

Introduction

Offending behaviour, like all human behaviours, is a multifaceted phenomenon. There is no single cause that it can be attributed to; instead it is caused by a complex interaction of variables which are both internal and external to the individual. One issue that has attracted attention in the explanation of offending is that of morality, in that breaking the law is often defined in moral terms. Although not all laws involve moral behaviour (e.g. going through a red light is not morally wrong but a social convention to impose order on roads), many laws are related to moral principles (e.g. killing another person). Thus what people think and how they reason about laws has been one area examined in the search for an explanation of offending. In light of this, this book sets out to draw together the theoretical and research literature within psychology that examines morality and offending, and how this knowledge has been applied to help prevent offending.

Chapter 1 is intended to act as an introductory chapter, in which the major theories of offending from a psychological perspective are outlined in order to place into context the use of moral reasoning as an explanation of offending. Theories reviewed include psychobiological, psychodynamic, learning, cognitive and control theories of offending. After this general introduction, the focus of the book shifts to moral reasoning theory in Chapters 2 and 3. Chapter 2 considers the first generation of moral reasoning theories as proposed by Jean Piaget and expanded upon by Lawrence Kohlberg, including a review of the literature evaluating Kohlberg's theory. The limitations of Kohlberg's theory are then considered in Chapter 3, with specific reference made to the claims that it is gender biased (towards males) and culturally biased (towards Western cultures), before a recent revision of Kohlberg's theory by John Gibbs is described. Having covered the theory, Chapter 4 provides a discussion of the measurement of moral

reasoning, offering an overview of the various standardised measures that have been devised to assess moral reasoning.

Chapter 5 is concerned with the relationship between Kohlberg's theory of moral reasoning and offending. This chapter starts with a consideration of how the theory has been applied to the explanation of offending on a theoretical basis, before reviewing the research literature evaluating the proposed link. This is followed by an attempt in Chapter 6 to incorporate moral reasoning into a wider explanation of offending that takes into account other social and psychological factors known to be associated with offending. Thus this chapter seeks to move the focus of the discussion back to a wider psychological perspective of explaining offending. As a result of evidence showing that an association of some sort does appear to exist between moral reasoning and offending for some offenders, a number of interventions to reduce offending have incorporated moral reasoning training. Therefore Chapter 7 covers the issues surrounding intervention with offenders and reviews those programmes that include moral reasoning, providing information about their content. Evaluations of the effectiveness of these interventions are also reviewed, with reference to their impact on both the individual's level of moral reasoning and reduction of offending. Finally Chapter 8 seeks to pull together the issues discussed in the previous chapters, and offer some suggestions as to the next steps required for the development of moral reasoning theory, the clarification of the link between moral reasoning and offending, and the implications of these for interventions to reduce offending.

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Chapter I

Setting the context: theories of offending behaviour

A question that is often posed is: ‘why do some people commit crimes?’ In response to this question, researchers have investigated a variety of factors in order to develop theories of offending and effective interventions to reduce crime. The basis for these investigations cover a range of academic disciplines, with psychology, sociology, economics and psychiatry being some examples. While each discipline will provide a general framework within which researchers work, there are still differences between researchers within disciplines, and similarities between researchers from different disciplines.

As this book is written from a psychological perspective, psychological theories of crime will be considered in more detail in this chapter. This will allow moral reasoning and its association with offending behaviour to be placed within the wider psychological literature. Psychological theories of offending behaviour can be divided into five general areas:

- psychobiological theories;
- psychodynamic theories;
- learning theories;
- cognitive-behavioural theories;
- control theories.

Psychobiological theories

Psychobiological theories of offending draw heavily on the role of an individual's biology in determining their behaviour. These theories range from suggestions that offending is solely due to genetic inheritance to constitutional theories and theories that examine the role of neurology, neurotransmitters and hormones in explaining offending behaviour.

Genetic transmission

Genetic theories view offending behaviour as being genetically transmitted in that criminals are born rather than shaped by the environment. While this view of 'born criminals' is not common among contemporary theorists, it was a view often held during the end of the nineteenth century and start of the twentieth century. An example of this view was proposed by Lombroso (1876), who was a physician and 'criminal anthropologist'. He believed that offenders had a genetic make-up that was different from that of non-offenders. Lombroso also considered the role of 'indirect heredity' in causing offending, with criminality as contaminating other people. Therefore people who spent a lot of time associating with so-called 'degenerates' (criminals or people who were insane) were also likely to become criminals. In his later work, Lombroso also considered other factors that could be important in causing crime, making reference to environmental factors such as poor education. By the end of his life he proposed that one-third of offenders were 'born criminals' (caused by a direct genetic link), whereas other offenders' behaviour was due to indirect heredity (environmental factors) or a mix of causes.

Early research examining Lombroso's views on the causes of criminality included a study by Goring (1913) of 3,000 convicts. The results of this research showed the convicts to be less intelligent than was expected, and as it was believed at this time that intelligence was genetically determined, this result was taken to support the view that crime was genetically determined. Similarly, Hooton (1939) argued for the genetic transmission of offending behaviour.

Although there is still research examining the role of genetics in offending behaviour, these modern theories are no longer looking for a specific 'criminal gene'. Indeed the fact that crime itself is a social construct means that definitions of what constitutes offending can vary over time and between places rather than it remaining a consistent behaviour. Therefore it becomes difficult to sustain the argument for

the existence of a specific gene responsible for offending. Instead, research in this area is now concerned with establishing the potential role of genetics in determining offending behaviour, work which can be divided into three areas of research: family, twin and adoption studies.

Family studies

Two questions are typically addressed in research into the family: the similarity of behaviour between criminals and their relatives, and whether criminal families differ from non-criminal families. Research in this area is based on the premise that biologically related individuals will be more genetically similar than those not genetically related. Therefore if criminality is inherited, or has an inherited component, criminals will be more likely to have children who become offenders too. Early examples of family studies of criminality include Dugdale (1910) and Estabrook (1916), both of whom reported convicted offenders to come from families with other criminal members. More recently Osborn and West (1979) found that among criminal men, 40 per cent of their sons also had criminal records as compared to 13 per cent of sons with criminal records among non-criminal men. Even stronger evidence for the existence of 'criminal families' was reported by Farrington, Barnes and Lambert (1996), whereby in a sample of 400 families, 5 per cent of the families had received over half of the convictions within the whole sample.

Family studies do have a number of methodological issues which limit the conclusions which can be drawn from them. A correlation between criminality in family members does not imply a causal relationship. There could be another factor(s) which are responsible for all the family members committing crimes, including environmental factors (e.g. social class, poor education). Social and psychological factors related to family functioning might also be responsible for maintaining attitudes and beliefs supportive of criminal behaviour within a family, leading to similar behaviour by all family members. Therefore there is a need for research that takes account of both environmental and heredity factors and allows these to be distinguished, something which twin studies do.

Twin studies

The reason for using twins to determine the relative effect of heredity and environment on behaviour is the existence of two biologically different types of twins. Monozygotic twins (MZ) are a result of a single fertilised egg that splits shortly after conception. Therefore both

twins have exactly the same genetic make-up due to coming from one fertilised egg initially (these are also known as identical twins). In contrast are dizygotic twins (DZ) which result from two separate fertilised eggs and whose genetic make-up is the same as any pair of siblings. Therefore DZ twins will, on average, share around 50 per cent of their genetic make-up (these are also known as non-identical twins). If the assumption is made that a pair of twins brought up in the same household are exposed to the same environmental factors, then any differences between the two twins in a pair can be attributed to genetic factors. As MZ twins have an identical genetic make-up, it would be expected that they would show greater similarity in behaviour (known as concordance) between the two individuals than for DZ twins who have more variation in genetic make-up. Concordance is typically expressed as a percentage (i.e. a figure of 70 per cent concordance means that 70 per cent of twin pairs behaved in the same way). The methodology of twin studies is one that has been used for studying the relative role of heredity and the environment on many behaviours, including offending, mental illness and intelligence.

Twin studies into offending behaviour date from the late 1920s and a number were carried out in the 1930s and 1940s. These studies generally concluded that concordance rates for MZ twins were higher than those for DZ twins for offending behaviour. Hollin (1989) reviewed seven twin studies carried out up to 1941, which showed an average concordance rate for MZ twins of 75 per cent and an average for DZ twins of 24 per cent. This difference is significant, suggesting a role in offending behaviour for genetic variation. However, once again, there are methodological issues with these early studies. Very small samples of twins were often compared, and concerns have been raised about the accuracy with which twin pairs were classified as MZ and DZ. Classification of twins is easy if they are of different genders, as they must be DZ. However, for twins of the same sex it can be difficult to determine whether they are identical (MZ) or not (DZ) unless sophisticated genetic testing is carried out, something that has not been available until fairly recently. Five later twin studies from the 1960s and 1970s are also reviewed by Hollin (1989), in which the accuracy of classification is likely to be higher. In these studies the difference in average concordance rates between MZ and DZ twins decreased from those seen in the early studies (MZ=48 per cent and DZ=20 per cent), but this difference was still significant and in line with the conclusion that genetic variation plays a role in offending behaviour.

When interpreting these results, account also needs to be taken of the fact that identical (MZ) twins may share more of an environment than

DZ or non-twin siblings. The fact that they are identical might mean that MZ twins are treated more similarly than DZ twins by their parents and other people. It is also possible that MZ twins are closer to each other than DZ twins and other siblings, and so be more likely to behave in similar ways. While these points could be addressed by studying twins raised apart from each other, this methodology is not one that has been used in the study of offending behaviour.

Whereas earlier research has tended to place an emphasis on genetic vs. environmental factors in determining crime, Rowe and Osgood (1984) pointed out that the genetic vs. environmental factors debate should not be seen as a polarised one when considering the causes of behaviour. Instead they argued for research to be more concerned with investigating the role of normal genetic variation in individual behavioural differences rather than in seeking out specific 'defective genes' to explain the occurrence of unwanted behaviours. They suggested that a single criminal gene is unlikely to exist, and that any explanation for offending involving genetics will be a multi-factorial one.

In support of their position Rowe and Osgood (1984) studied MZ and DZ twin pairs, attempting to establish the differential impact of genetic factors (type of twin), shared environmental factors (e.g. factors influencing all members of the family such as broken or intact home) and environmental factors specific to the individual (e.g. peer group) on self-reported delinquency. From this research, Rowe and Osgood calculated the genetic component to account for over 60 per cent of the interaction between the three factors, the shared environmental factors to account for 20 per cent of the interaction, and specific environmental factors to account for the remaining 20 per cent or so of the variance in the relationship. These results led Rowe and Osgood (1984) to conclude that offending behaviour has a genetic component, but that it is not a straightforward relationship. Instead they proposed that variations in the genetic make-up of individuals can lead to predispositions to commit crimes, if other factors co-occur.

Adoption studies

Other research examining the role of genetic variations in offending behaviour has studied children who have been adopted, comparing their behaviour with that of their biological and adopted parents. If an adopted child has a criminal biological parent and non-criminal adopted parents, but is later convicted themselves, then this is seen to point towards a genetic determinant for offending. In contrast, if an adopted child with a criminal biological parent and non-criminal

adopted parents does not go on to become a criminal, then it is argued that the environment is more important in determining offending behaviour. Having an adopted parent and biological parent who were both criminals or not criminals would be inconclusive either way regardless of whether the child went on to become a criminal.

Crowe (1974) reported one of the earliest adoption studies investigating offending behaviour. Among adoptees with a criminal biological mother, 50 per cent had been convicted by age 18 as compared to only 5 per cent of those whose biological mother was not a criminal. This result in favour of a genetic determinant for offending was supported by a study with over 1,000 male adoptees (Hutchings and Mednick, 1975) where rates of criminality among adoptees was twice as high when biological fathers were criminal and adopted fathers were not criminal as compared to adoptees with a non-criminal biological father and a criminal adoptive father. Furthermore, this study found even higher rates of child criminality when both biological and adoptive fathers had criminal records. This interactive effect of biological and adoptive parents was also found by Mednick, Gabrielli and Hutchings (1983). Using a sample of 14,500 adoptees, those with a criminal biological parent and non-criminal adoptive parents (20.0 per cent) showed significantly more criminality than those adoptees with a non-criminal biological parent and criminal adoptive parent (14.7 per cent). However, the interactive effect of biological and adoptive parents is clear from the even higher percentage of criminality among adoptees with both biological and adoptive parents who were criminal (24.5 per cent), whereas the lowest amount of criminality was seen among those children with no criminal parents at all (13.5 per cent). More recently a meta-analysis of 13 adoption studies by Walters (1992) concluded that evidence exists for some degree of association between biological parents' criminality and that of their adopted children.

The results indicating an interactive role of genetics and environment were corroborated by a review of adoption studies carried out by Hutchings and Mednick (1977). This review concluded that while genetic factors played an important role in the development of later criminality, there was also a need to take account of environmental factors to provide a full explanation of offending. This line of work has been followed by a number of researchers, including Cadoret, Cain and Crowe (1983). Cadoret *et al.* examined the interaction of genetic and environment factors in antisocial behaviour, concluding that on their own genetic and environmental factors made a small contribution to the prediction of antisocial behaviour, but that the combination of these led to a huge increase in antisocial behaviours. Beyond this, research