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FACULTY OF PSYCHOLOGY AND EDUCATIONAL SCIENCES

DOCTORAL SCHOOL OF APPLIED COGNITIVE PSYCHOLOGY

Guilt and Criminal Punishment- application of cognitive psychology

DOCTORAL THESIS SUMMARY

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Both social humanitarian sciences, psychology and law, are domains that address, from different perspectives, man and social relations. From the branches of law, criminal sciences are the most connected to individual and collective psychology. In the criminal field there are evaluations of the intentions that the culprits have when committing criminal felonies, the punishments that are assumed to lead to the rehabilitation of delinquent behavior, the effects that some acts have over the victims, the public reaction generated by committing some crimes etc. Judicial psychology is the one that analyzes psychological processes in juridical contexts.

I believe that the integration of knowledge from cognitive psychology in applied law would lead to a general view over the problems of criminal nature and to more efficient solutions in solving them. Many of the criminal policies and decisions, respectively of the programs of convict rehabilitation, are based on some assumptions linked to human behavior, to the thoughts, intentions, aims and psychological processes of the persons involved. This paper aims to clarify psychological aspects with the purpose of improving the decision-making process.

By conducting interdisciplinary research, I tried to bring at the same table critical problems from the spheres of criminal sciences with the techniques and solutions offered by applied cognitive sciences.

I. A first domain of interest was **the explanation of criminal behavior through the view of the factors that lead to criminal recidivism**. Cognitive psychology has methods to investigate the thoughts, emotions, motivations, attributions (responsibilities) and consequences that work together to maintain or reduce criminal behavior. I used these methods in the studies regarding the risk of recidivism of the convicted. Some research studied the emotion of guilt as a guardian of recidivism. I conducted, in this sense, research carried out in penitentiaries that aimed to measure the individual traits, emotions and cognitions of the convicted. I searched for other variables linked to guilt (empathy and the perceived social support) to have an overview on guilt. Taking into account that the answers of the convicted linked to the guilt that they sometimes feel are not usually sincere, I carried out another study, in a lab procedure, where I measured the physiological correlates of guilt (the electro dermal response and cardiac frequency). I also analyzed, with this occasion, the relation between the guilt towards wrongful behavior and the anger against the received punishment. The laboratory research aimed to establish the links between the individual traits and lab induced emotions, respectively the associations among the subjective feelings of these emotions and physiological enabling.

Other research that served the same purpose (the identification of the factors that increase the risk of recidivism) took place in two directions. One study analyzed the thoughts (with justificatory purpose) that shape the mental perspective on committing a felony (rape). Another study set out to evaluate the social reactions of victim-blaming (of being raped). Both the

justifications that operate in the minds of the criminals and the social reactions of victim-blaming (that sometimes confirm these justifications, normalizing criminal behavior) represent factors that lead to the increase of the risk of recidivism.

II. A second objective in the doctoral research was **the study of the public reactions to the perpetration of sexual offenses**. I analyzed in a case study (a real case of intensely publicized rape), the cognitive processes that explain the estimation of criminal risk (through establishing the punishment) and the way in which people with different cognitive styles (intuitive or analytical) make evaluative prejudices in such contexts. Why would we be interested by the way society reacts to a sexual offense? We can find at least four important reasons, supported by scientific literature, for which it is useful to know the way in which social reactions to these criminal felonies are formed: 1) there is a legal frame that establishes that a component in evaluating social danger is “public reaction” – reason for which criminal decision-makers can support deprivations of liberty or the establishment of longer sentences also in light of these social reactions; 2) the evaluation of sexual offences sometimes imply emotional trials that can lead to the overestimation of the risk – reason for which proposals for legislative changes can be made as a result of intensely publicized and with a strong emotional load; 3) social reactions can be a pressure that acts as a punishment for criminal behavior (by acting as a protective factor in recidivism); 4) social reactions of victim-blaming are associated with the development of psychopathology, causing long-term effects on the victims.

III. In the following part we will present **the studies that are the subject of the doctoral thesis**:

A. Emotions and thoughts associated with criminal recidivism

- To be guilty from a legal point of view does not imply and does not imply the feeling of guilt of the condemned. The studies presented earlier have shown the predictive role of the predisposition of guilt over the recidivism rate. On the other hand, the social support perceived and empathy are associated with rehabilitation.

Study 1.1.

GUILT PRONENESS AND SOCIAL SUPPORT IN PRISONERS

In this study we analyzed the predisposition for guilt and the perceived social support, by comparing convicted persons (recidivists and first-time prisoners) and persons that have never had criminal convictions ($F(2,114) = 10.03, p < .01, \eta^2p = 0.152$). The results indicated a lower level of *guilt proneness* and of the *social support* in the convicted prisoners rather than in the control group. No differences were found between the prisoners at the first conviction and the recidivists. As we expected, there is a positive link ($N=108, r=.331, p < .01$) between *social support and guilt proneness*. At the level of the convicted persons, a medium positive association

was found ($N=78$, $r=.376$, $p<.01$) between the *perceived social support* and *received social support* (measured in the number of visits received at the penitentiary).

Study 1.2.

SOCIAL SUPPORT AND EMPATHY AS PREDICATORS FOR GUILT PRONENESS IN INMATES

I have investigated the predictive role of the *perceived social support* and of *empathy* in the manifestation of *guilt proneness* in inmates convicted for several crimes. Even if empathy also correlates with *guilt proneness* ($N=74$, $r=.27$, $p < .01$), only the *perceived social support* predicts *guilt proneness* ($F(1, 75) = 5.91$, $B = .23$, $p = .017$), explaining 7.3% of its variation.

- The first research attested the importance of *guilt proneness* in the rehabilitation process. The principal shortcoming consisted in the fact that we weren't directly measuring guilt regarding criminal conviction. We tried to do this in another study that we have ceased because of the fact that the answers given by the inmates were clearly insincere. From the wish to find other ways of measuring guilt, methods that do not depend on the sincerity of the respondents, we have conducted the following study:

Study 2.

PHYSIOLOGICAL CORRELATIONS OF ANGER AND GUILT

The conduct of the research had as an aim finding the physical correlations of guilt and anger. I have included the study of anger (as a reaction to injustice), often invoked by the inmates, in two contexts: a) if the act was admitted, it often happened that the respondents justifying their lack of guilt (or lesser guilt) by arguing that they received an unfair sentence (too harsh); b) when the act was not admitted to, the prisoners invoked injustice caused by the fact that they were executing a sentence.

I have conducted a lab study ($N=129$) where I induced emotions through tasks of remembrance through writing some biographical events. Before and after each experimental condition I have measured blood pressure and pulse (with blood pressure monitors) and have collected subjective measurements. During the tasks I have measured the heart rate (EKG) and electro dermal response (the electric conductance of the skin). The most sensitive physical measurement was blood pressure (both the systolic and diastolic) and none of the physiological measurements systematically correlate to the subjective ones.

- According to cognitive theory, thoughts produce the emotion of guilt. When the convicted does not feel guilt, he either denies the effects of his crime, or he justifies his behavior by externally placing the responsibility for it. In the next research we have analyzed the justifying cognitions of rapists. If justifying cognitions are not restructured

in a rehabilitation program they remain a permanent risk factor for recidivating. This study is a first measurement for the prisoners from a penitentiary unit that are currently in a psychological intervention program. After a few months we will collect post-intervention data.

Study 3

JUSTIFICATIONS OF RAPE – COMPARATIVE ANALYSIS BETWEEN RAPISTS AND STRDENTS

The rationalisations used by rapists to justify their criminal behavior are a great risk factor for relapse. The modification of cognitive distortions related to rape is a therapeutic purpose in the process of rehabilitation (Somedá, 2009). Using *Rape Scale* (Bumby, 1996) we evaluated the participants' ($N=480$, 57 convicted rapists, 223 students) level of cognitive distortions related to rape. Using ANOVA tests of variance, we identified differences between convicted rapists, psychology or law students and polytechnic students ($F(3,461) = 60,69, .000, \eta^2p = 0.283$). In line with previous research (Bell et al, 1994), men are more lenient with rapists, accept more justifications about rape and are blaming the victim to a greater extent, in comparison with women. In our sample were identified differences between male and female participants and also between male students and convicted rapists ($F(2,477) = 98,88, .000, \eta^2p = .293$). We believe this research brings new evidences for the importance of cognitive restructuring which mentally sustains criminal behavior. Once this specific cognitions present among convicted rapists are identified, the efficacy of therapeutic interventions is increased. In the end, we discuss possible limitations of this study and directions for future research.

B. Public reaction to the commission of sexual assault

- Guilt takes another shape in victim-blaming. The most affected by victim-blaming are the victims of sexual assault. One of the effects is the discouragement of reporting these crimes. Another effect of victim-blaming is diminishing the responsibility of the delinquents. In this way, sexual offenders can find an echo of their beliefs in the social response of blaming.

Study 4

BLAMING RAPE VICTIMS. GENDER DIFFERENCES

The Just World Theory states that each one of us gets what they deserve. Previous scientific literature has shown that people who hold this belief tend to blame the rape victims to a greater extent. The current study investigates the association between Just World Theory and victim blaming in a rape case, searching also for gender differences. Our sample (N=79) includes the readers of a national online news paper, who gave their approval to take part in our study. The results showed gender differences regarding victim blaming, women tended to blame the victim more than men: $\chi^2(1, N = 74) = 4.55, p = .03$. The association size is small towards medium with $\phi = 0.25, p < .03$. The Chi-square analysis found a medium towards large association between gender and the Just World Theory: $\chi^2(1, N = 74) = 8.51, p = .004$ with a $\phi = 0.34, p < .004$. It seems that the need of control over the environment can partially explain both the beliefs in a just world and the act of victim blaming. Implications of the study and research future directions are discussed.

- The next research addresses the way in which social reactions are formed as a response of the intense media coverage of an extreme case of rape. We analyzed the way in which the participants establish the punishment for rape, before, during, and a year after the coverage. More cognitive-emotional processes involved in the evaluative judgments on rape are studied.

Study 5

DUAL SYSTEM MECHANISM INVOLVED IN THE EVALUATION OF A REAL RAPE CASE

The present paper investigates the role of heuristics from dual system models, in evaluations related to a real rape case. Study 1 shows that during the intense exposure of the case in media, the punishments proposed for rape are higher than before exposure and, also, than one year after exposure. Similarly, the probability estimated for rape is higher during the exposure of the case than one year later. Thus, when the availability of rape-related information is increased by the media exposure, participants use the increased availability as an indicator of high probabilities (availability heuristic). Also, when the negative emotion related to rape is present, participants propose harsher punishments (affect heuristic and attribute substitution). Study 2 shows that these effects appear in persons that are more inclined to use the heuristic, intuitive, system, rather than the rational, analytic, one. Theoretical implications and practical suggestions for the judiciary system are discussed.

IV. Guilt and punishment are mechanisms of modifying criminal behavior. All the presented studies have tackled, through different methods, guilt or criminal punishment from the perspective of cognitive psychology. In this paradigm, guilt is a protective factor for recidivating, motivating the delinquent to rehabilitate himself and subsequently fending him from engaging in

criminal behavior. Guilt is directly linked to the mental perspective on behavior. Therefore, a first research direction was the study of guilt and of the rationalization that support it. Initially, we identified a lower predisposition for guilt in the sentenced that were imprisoned. In another study we have shown the differences at the levels of distorted cognitions of people imprisoned for rape. Being unable to directly measure (through self-reporting) guilt in relation with the committed acts, we searched for physiological correlations of guilt. The final aim of this research consists in making rehabilitation programs more efficient through the introduction of some variables that are directly linked to recidivism. Another approach of guilt was victim-blaming. Blaming offers excuses to the offenders and attributes part of the responsibility to the victims. In the last study we have tested one of the most used models of cognitive psychology –the Dual Processing Model, in the case of rape. We analyzed the cognitive and emotional processes that stand at the basis of social reactions and of the establishment of the punishment. We have shown how the punishment required by the public opinion for rape change according to the temporal moment towards the media coverage of a case of rape. The final aim of this research is to offer an integrative perspective on the formation of social reactions. The understanding of such reactions leads to a more rational analysis of their role in decision-making processes (legislative changes, liberty deprivations, establishment of punishment, etc.) in a criminal context.

The obtained results and the formulated conclusions represent an still incomplete outline of some complex psychological mechanisms, relevant in the field of criminal law. We intend to deepen the analysis of these processes in future research by searching for viable solutions for the practitioners of juridical psychology.

Key words: guilty, public perception, double processing, rape, punishment

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