



# Personality Traits and Predispositions for Criminal Behavior: A Theoretical Legal and Psychological Approach

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**Abstract**— *The aim of this paper is through theoretical review to examine and explore the relationship between personality traits and criminal behavior through a multidisciplinary approach by answering the questions which personality traits can give us more indications and is more predisposed to criminal behavior? Another important point of view is the non-acceptance, misuse of these personality traits in front of justice. What is right and what is not in such cases? What crimes and cases are exempt from justice and what tendencies do we have to be misused? These kind of questions requires the skills and knowledge of many experts from both psychological and legal field. Where is the red line that should not be crossed by both sides? We should not forget that personality traits are not mental states or disorders for which we believe and assume that have a different treatment and nature, both before the law and mental health experts.*



**Keywords**— *crime, criminal behavior, legal approach, personality traits, psychological approach, mental health*

## I. INTRODUCTION

It is known fact that criminal behavior in most cases has the sources from personal experience and personality traits of individual. Psychological literature offers us a series of arguments and researches that find positive correlation between certain personality types and traits and tendencies for criminal behaviors. This correlation in most cases is expected and reasonable when we take in account the complex nature of the individual and sometimes the difficulty to understand why some criminal acts, as simply as they seem predictable, continue to be committed. In other side, the legal literature and practice, it mostly focuses on the nature of the crime and the punitive legal measures for the same.

Taylor (2016), offers a balanced perspective on crime, criminal behavior and criminality, emphasizing that answering the question of why and how certain individuals are drawn towards behaving in a way that contravenes the “Law of the Land” it’s not an easy task. (reported by American Psychological Association, 2016).

The relationship between personality traits and criminal behaviors has been from high interest from researches of many disciplines and mostly psychologists, sociologists and lawyers. Personality and its traits which determines the individuality and unique of each of us has been studied from early years starting from Jung (1875-1961), and his well-known theory of personality.

But before exploring this relation lets first take a look at the main aspects, we can’t understand personality traits

neither criminal behavior if we do not first understand what these concepts mean separately.

From many theoretical reviews and definitions, we may refer to Schultz & Schultz (2016), who defines personality as “*unique, relatively enduring internal and external aspects of a person’s character that influence behavior in different situations*” (2016: 6). While personality traits according to Novikova (2013), are defined as “*habitual patterns of behavior, thought, and emotion that are manifest in a wide range of situations*” (2013: 1).

On her book *Crime and Criminality: A multidisciplinary approach*, Taylor (2016), explores and explain crime from multidisciplinary aspect. Thus, on the intentions to define the concept of crime, she takes into consideration as first legal approach, social constructivism and psychological approach. As she states the definition of crime can be convinced using crime in legal terms such as being guilty acts *actus reus*; guilty mind *mens rea*; determined by laws *a mala in se*; and the human moral code *mala prohibita*. While for criminal behavior Taylor, states that is considered and defined in terms of its seriousness and the ways and means of punishing those who commit crime (Taylor, 2016).

As Tiwari (2020), reports “*Crime is an act of deviance from what a society has construed as against the social norms translated into a criminal code, an act involving intentions at its core, the intentions to deviate from socially accepted actions without any legal justification*” (2020: 439).

Bartol & Bartol (2017), gives a detailed review for crime and criminal behavior from psychological approach. As they states, psychological perspective and literature when it comes to crime and criminal behaviors many times refers to the definitions from legal perspectives emphasizing more the relationship of the behavior and the mental processes of the person who commits crime with intentions to understand and to answer to some fundamental questions such as how individual criminal behavior is acquired, evoked, maintained and modified but most important is to understand why it occurs and what to do about it.

Other important aspect among Forensic psychologists and in Psychological Criminology are both social and personality factors influences on criminal behavior along with mental processes that mediate that behavior (Bartol & Bartol, 2017).

### **Which personality traits can give us more indications and are more predisposed to criminal behavior?**

The relationship between personality traits and criminal behavior have been studied from many psychologist and

multidisciplinary researches with common point of interest; to try to answer to the already posted question.

Psychological literature offers us a series of arguments and researches that find positive correlation between certain personality types and traits and tendencies for criminal behaviors. Among researches as the theory that better explains this link is considered The big five personality traits theory by Lewis Goldberg (1981). As Santrock (2011), reports many personality researchers argue that they have identified the Big Five factors of personality, the “super traits” thought to describe personality’s main dimensions: openness, conscientiousness, extraversion, agreeableness, and neuroticism (emotional stability).

Each of the Big Five represents a broad set of related behavioral characteristics, as in follow description by Soto (2018):

- Extraversion represents individual differences in social engagement, assertiveness, and energy level. Highly extraverted individuals enjoy socializing with others, are comfortable expressing themselves in group situations, and frequently experience positive emotions such as enthusiasm and excitement; in contrast, introverted individuals tend to be socially and emotionally reserved.
- Agreeableness captures differences in compassion, respectfulness, and acceptance of others. Agreeable individuals experience emotional concern for others’ well-being, treat others with regard for their personal rights and preferences, and hold generally positive beliefs Avshalom about others; disagreeable individuals tend to have less regard for others, and for social norms of politeness.
- Conscientiousness represents differences in organization, productiveness, and responsibility. Highly conscientious individuals prefer order and structure, work persistently to pursue their goals, and are committed to fulfilling their duties and obligations, whereas unconscientious individuals are comfortable with disorder and less motivated to complete tasks.
- Neuroticism (sometimes referred to by its socially desirable pole, Emotional Stability) captures differences in the frequency and intensity of negative emotions. Highly neurotic individuals are prone to experiencing anxiety, sadness, and mood swings, whereas emotionally stable individuals tend to remain calm and resilient, even in difficult circumstances. Finally,

- Openness to Experience (sometimes referred to as Intellect) represents differences in intellectual curiosity, aesthetic sensitivity, and imagination. Highly open individuals enjoy thinking and learning, are sensitive to art and beauty, and generate original ideas, whereas close-minded individuals tend to have a narrow range of intellectual and creative interests (Soto, 2018: 240)

According to Ahmed (2019), many studies have shown significant relationship among big five personality traits

and criminal behaviors. On his study for big five personality traits and criminal recidivism among ex-prisoners he concluded the mediator effect of the traits on the relationship between prison experience and criminal recidivism. Since there are many studies for the relationship between personality traits and criminal behavior we will refer to Tharshini et al (2021) review to understand and see which personality traits are more predisposed to criminal behavior.

*Tab.1: Systematic review for the relationship between personality traits and criminal behavior*

Author(s)	Year	Sample	Measures	Findings
Beaver, K.M., Boutwell, B.B., Barnes, J.C., Vaughn, M.G., DeLisi, M.	2017	90,000 adolesc. National Longitudinal Study of Adolesc. Adult Health	Psychopathy, personality traits	Psychopathic personality traits increase the probability of being arrested, incarcerated, and sentenced for both male and female adolescents.
Brown, W.	2016	500 respondents	Low self -esteem, crime, punishment	Individual with low self-control tend to be less meticulous, prefer simple tasks that would require little commitment, short sighted, and lack of self-determination.
Bo, S., Pedersen, L., Christensen, K.B., Rasmussen, K.	2019	225 male forensic psychiatric patients and prisoners from three treatment institutions in eastern Denmark	Psychopathy Anti - social Behavior	Psychopathic traits increase the risk of violence, especially traits such as impulsivity, irresponsibility, and antisocial behavior (PCL scales factors 3 and 4)
Traynham, S., Kelley, A.M., Long, C.P., Britt, T.W.	2019	310 incarcerated male U.S. army soldiers and 310 non incarcerated male army soldiers from Fort Rucker, Alabama area	Psychopathy, suicidal ideation, PTSD, criminal behavior	PTSD symptoms had a direct effect on incarceration status, and significant indirect effects through suicidal ideation among incarcerated male army soldiers.
Jones, D.N., Hare, R.D	2016	150 respondent	Psychopathy, lifestyle, antisocial behavior	Individuals who score high for the psychopathy measure (usually > 30 on the PCL-R) are more likely of being short-tempered and unable to empathize.
Cunha, O., Braga, T., Goncalves, R.A.	2018	52 batterers from Portugal aged between 22 and	Psychopathy, criminal behavior, intimate partner	Psychopathy leads to intimate partner violence.

			70 years old	violence	
Gatner, D.T., Blanchard, A.J.E., Douglas, K.S., Lilienfeld, S.O.	2016	1742 African American, Caucasian, and Hispanic psychopathic offenders		Psychopathy, criminal behavior	Psychopathic personality traits show reasonable validity across African American, Caucasian, and Hispanic cultural groups.
Nigel, S.M., Dudeck, M., Otte, S., Knauer, K., Klein, V., Böttcher, T., Maaß, C., Vasic, N., Streb, J.	2018	164 male and female forensic inpatients with substance-related disorders		Psychopathy, empathy, general personality traits, violent crimes of substance-abusing offenders	Substance-abusing violent offenders display a distinct pattern of personality characteristics (associated with high neuroticism, low agreeableness, and low conscientiousness).
Tharshini, N.K., Ibrahim, F.	2020	73 meta-analyses		Psychopathy, low self-control, crime behavior	Psychopathy construct is associated with emotional and behavioral disturbance, criminal recidivism, sexual recidivism, and instrumental violence.
Forrest, W., Hay, C., Widdowson, A.O., Rocque, M	2019	1979 youths between 10 and 30 years old (National Longitudinal Survey of Youth)		Low self-control, risk seeking, impulsivity	High level of risk-seeking and impulsivity contributes towards involvement in criminal activities among youths.
Wendel, B.E., Rocque, M., Posick, C.	2020	1744 private college student		Self-control, impulsivity, risky behavior	Low self-control and high level of impulsivity is strongly related to socially undesirable behavior such as smoking and risky drinking among college students.
Kamaluddin, M.R., Mohammad Shariff, N.S., Mohd Nasir, N.C., Abdul Hamid, A.S, Mat Saat, G.A., Rathakrishnan, B	2019	140 Male adults		Self-control aggression, low socioeconomic status	The result evidenced statistically significant correlation between self-control and aggression levels ( $r = 0.444$ , 95% CI: 0.30, 0.57; $p < 0.001$ ).
Wolff, K.T., Baglivio, M.T., Klein, H.J., Piquero, A.R., DeLisi, M., Howell, J.C.	2020	104,267 juvenile offenders (mean age of 16, 76% male, 46% Black non-Hispanic, 15.7% Hispanic)		Adverse childhood experiences, gang involvement, temperament	ACEs effect towards gang involvement, substance abuse, and difficult temperament among juvenile offenders.
Kamaluddin, M.R., Othman, A., Ismail, K., Mat Saat, G.A.	2017	71 male murderers incarcerated in 11 prisons within peninsular		Psychological traits, types of weapons used among the murderers	Aggression and self-serving cognitive distortion are common psychological traits among murderers who use single and multiple weapons

		Malaysia		to commit crime.
Verona, E., Vitale, J.	2018	274 meta-analyses	Psychopathy, borderline personality disorder, impulsivity	Psychopathic females have significant level of impulsivity—a trait often being associated with borderline personality disorder.

*Systematic review for the relationship between personality traits and criminal behavior by Tharshini et al (2021: 4,7)*

As seen from the table we may understand the positive correlation and link between personality traits which in many case psychopathy and low self - esteem with criminal behavior

Based on the systematic review above reported by Tharshini et al (2021), the finding of the study stipulates that there are three major personality traits which contribute towards criminal behavior, namely psychopathy; low self-control; and difficult temperament (2021: 4,7).

#### **Misuse personality traits in front of justice- the red line between law and mental competence**

As stated above, from a psychological point of view crime and criminal behavior goes beyond the act, and the main question is why and how personality factors influence criminal behavior and is there a chance to prevent the same considering the amount of studies proving that some specific personality traits can lead to criminal behavior. On the other hand, legal literature and practice mostly focuses on the nature of the crime and the legal measures to punish it.

On the question *What is the law for and the consequences of contravening it* Taylor (2016), answers using the 'Big 5' legal concepts such as retribution, punishment, deterrence (individual and general), public protection and rehabilitation. Accordingly, the balance between factors of Big 5 underlines implications for society's perceptions of crime and criminality. As she says as the law defines what is to be deviant and a law- breaker, we may say that the law drives criminality supporting a nurture account. Explaining about how the law developed Taylor enlists three main reasons for criminality as following:

1. Criminality occurs because of the way we define crime
2. Law arises out of morality
3. Socialization drives law abiding behavior but can also cause criminality (Taylor, 2016).

Maybe it is clearer in the law, but it is also clear from the DSM5, which clearly defines what counts as a personality

and mental disorder and how those cases are treated from the legal point of view. According to the new DSM-5 (Diagnostic & Statistical Manual of Mental Disorders, 5th Edition, American Psychiatric Association, 2013), the followings are Five Main Psychopathology Domains (corresponding to the Big Five Personality Traits):

1. Borderline which are characterized with emotional lability, separation insecurity, depressively, hostility and impulsivity.
2. Obsessive compulsive – persistent and rigid perfectionism
3. Avoidant- Anxiousness, withdrawal, intimacy avoidance and anhedonia (lack of enjoyment from life's experiences)
4. Schizotypal- restricted affectively, suspiciousness, cognitive/perceptual dysregulation, Unusual beliefs and experiences
5. Antisocial- manipulatives, deceitfulness, callousness (lack of concern for feelings or problems of others), hostility, irresponsibility, impulsivity, risk taking
6. Narcissistic – grandiosity, attention seeking
7. Personality Disorder Trait Specified- Any trait or combination of traits at a pathological level that does not fall into one of the above categories. Note: Paranoid, Schizoid, Histrionic, and Dependent personality disorders, all of which were categorized separately in the DSM-IV, now fall under 'Personality Disorder Trait Specified' in the DSM-5.

<http://www.psychologycharts.com/list-of-mental-disorders.html>)

The relationship between mental health and criminal offending is complex. A mental disorder may directly cause someone to offend, or play no significant part in their offending behavior. In cases of serious illness, patients experiencing delusions or hallucinations may perceive people as posing a serious threat to them, when in fact none exists. This can account for why a vulnerable or distressed person might attack others, believing it to be a form of self-defense (College of Policing, 2016,



<https://www.college.police.uk/app/mental-health/mental-health-and-criminal-justice-system>).

As Larsen (2023), states mental health and crime are complex issues that are often interconnected. One issue that arises is the potential for over diagnosis and misdiagnosis of mental health conditions in the criminal justice system. Referring to Morrison (2016), she clarifies both situations. Namely, over diagnosis occurs when a mental health condition is diagnosed when it may not be present or when the diagnosis is too broad and not specific enough and misdiagnosis occurs when a mental health condition is diagnosed incorrectly, leading to improper treatment or inappropriate consequences.

This confusion rises even more if we take in consideration how much personality traits are determinant on personality types which can easily lead to criminal behavior. To clarify the link between personality traits and personality disorders Zimmerman (2023), explaining first personality traits as represents of patterns of thinking, perceiving, reacting, and relating that are relatively stable over time, states that personality disorders exist when these traits become so pronounced, rigid, and maladaptive that they impair work and/or interpersonal functioning. This social maladaptation's can cause significant distress in people with personality disorders and in those around them. The Diagnostic and Statistical Manual of Mental Disorders, 5th edition (DSM-5-TR) lists 10 types of personality disorders, although most patients who meet criteria for one type also meet criteria for one or more others. Some types (eg, antisocial, borderline) tend to lessen or resolve as people age; others (eg, obsessive-compulsive, schizotypal) are less likely to do so (Zimmerman, 2023).

There are cases where even people with mental health disorders diagnoses have been sued due to the crime they have committed. According to Ghiazi et al, (2023), referring to Steinert et al (2010), people with mental illness are arrested and sent to prison in disproportionate numbers, often due to a lack of awareness and resources in handling these individuals.

On the book A Handbook of Mental Health the IIIrd part Social Context, Theories and Systems, chapter 23 Mental Illness and the Criminal Justice System Hiday and Burns (2009), explore and explains the beliefs and the relationship of the mental illness and criminal justice system and the treatment that mental ill persons have in front of the justice system. According to them there are two prevailing beliefs held by the public (and many professionals) connect mental illness to the criminal justice system:

1. first, a belief that deinstitutionalization has led to criminalization of mental illness, and

2. second, a belief that mentally ill persons are dangerous and likely to commit crimes, especially violent crimes.

As they say, most studies of arrest of persons with mental illness have not controlled for comorbidities, despite existing research that shows that mentally ill persons with character disorders and substance abuse are much more likely to offend and have higher arrest rates than other mentally ill persons.

The public's concern about coddling criminals and the subsequent release of not guilty by reason of insanity (NGRI) offenders into the community seems to be unwarranted. Mental health and social welfare systems with severely inadequate resources try to ameliorate the effects of such deleterious social conditions (2012: 478-98 <https://www.cambridge.org/core/books/abs/handbook-for-the-study-of-mental-health/mental-illness-and-the-criminal-justice> ).

Accordingly, what we said above very important and serious issue is when for criminal behavior we see tendencies for misuse and misdiagnosis of personality traits as mental disorders. Then the question naturally arises where is the red line where no side or field should tolerate abuses. So, the questions that arises are what is right and what is not in such cases? What crimes and cases are exempt from justice and what tendencies do we have to be misused? And why is the law than?

As clarified above we should not forget that we talk for personality traits and not mental disorders which we explore and saw how they are treated in front of the law and mental health professionals.

According to the Criminal Code of the North Republic of Macedonia for crime and criminal liability article 7

*“Crime shall be considered an unlawful act which is determined by law to be a crime, and whose characteristics are determined by law”.*

When it comes to the measures and sanctions according to the article 4

*“Criminal sanctions shall be: punishments, alternative measures, safety measures and educational measures”.*

Regarding to crime and mental competence article 12 on the first and second paragraph

*(1) A offender, shall not be considered mentally competent, if when committing the crime, he could not understand the significance of his act or could not control his actions due to permanent or temporary mental illness, temporary mental disorder or retarded mental development, or*

other especially severe mental impediments (mental incompetence).

(2) The offender of a crime whose ability to understand the significance of his action and the ability to control his actions was significantly decreased as a result of the condition as referred to in paragraph 1, may be sentenced more leniently (significantly decreased mental competence).

## II. CONCLUSION

On this theoretical perspective we tried to answer to some of the main and important questions for the relations between the personality traits and criminal behavior and the tendency of misusing and misdiagnosing them.

The criminal behavior of a person culminates with all previous life processes of a person, and the most important influence is the home environment. In accordance with the fact that we are aware that a person is built character-wise, intellectually and professionally throughout his life, the environment in which he lives, works and creates also has a great influence after home upbringing. Consequently, criminal behavior most often originates from a dysfunctional family, due to the lack of basic moral values, financial resources for life, the process of education, which is very important for a person, the process of socialization and many other important things.

As we discussed above there is positive correlation between some specific personality traits and criminal behavior, but again despite of the fact that is natural to expect such a correlation, we still haven't managed to understand why some criminal acts as simply as they seem predictable, continue to be committed. Even if we say that some personality traits related with personality types gives more indications and the law is clear about the sanctions against the act, again we failed to predict the same, perhaps is because of the complex nature of the human being behavior. The other issue is that we need to make clear clarification between personality lines that in most cases are misused and misdiagnosed in front of justice. Let's remind once more that personality traits and personality mental disorders are not the same and the law is clear about the crime and punishments accordingly.

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