

VU Research Portal

Rational misbehavior?

van Gelder, J.L.

2012

document version

Publisher's PDF, also known as Version of record

[Link to publication in VU Research Portal](#)

citation for published version (APA)

van Gelder, J. L. (2012). *Rational misbehavior? Affect and cognition as predictors of criminal choice*.

General rights

Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

- Users may download and print one copy of any publication from the public portal for the purpose of private study or research.
- You may not further distribute the material or use it for any profit-making activity or commercial gain
- You may freely distribute the URL identifying the publication in the public portal ?

Take down policy

If you believe that this document breaches copyright please contact us providing details, and we will remove access to the work immediately and investigate your claim.

E-mail address:

vuresearchportal.ub@vu.nl

SUMMARY

Imagine the following: You are at the airport returning from a trip abroad. Part of the reason you went on the trip was because you were interested in buying some local artifacts. However, before leaving you did not check whether it was actually allowed to import them. As you proceed to get your luggage off the belt, you notice a billboard indicating that it is forbidden to bring cultural goods into your country without an export license from the country of departure. You did not get such a license, which means you are now faced with the choice of declaring the artifacts you bought and have them confiscated or taking your chances and not declaring them. By not declaring them you risk not only the confiscation of your new items but a hefty fine as well.

If you would find yourself in this situation, would you consider ‘forgetting’ to declare your new items? And do you think that your choice in this case would be guided more by rational-instrumental considerations or more by how you feel about the situation? Additionally, can your reliance on either thinking or feeling when deciding on whether or not to get declare the items be influenced? That is, could it be that on one moment you would rely more on how you think about the situation when making your decision, whereas at another moment you would rely more on how you actually feel about it? Furthermore, do you think that interpersonal differences play a role in the sense that people with different personalities would evaluate the risks involved differently? And, do the answers to these questions also have practical implications? In other words, can the ‘so what?’ question be answered confidently?

These are the questions that are addressed in the various chapters of this dissertation. In conjunction, the individual responses to these questions will serve to answer the broader research question underlying this dissertation: Can a so-called ‘dual-process’ perspective that incorporates both thinking and feeling better explain and predict criminal decisions than the existing single-process perspectives that currently dominate criminal decision making research and theorizing?

PASSION VERSUS REASON

The central distinction in this dissertation is that between feeling and thinking at they apply to decisions of a risky or criminal nature. This division is a classic one, early references to it date back more than two millennia, and one that has resurfaced time and again in different guises, such as emotion versus ratio, affect versus cognition, and passion versus reason. The ancient Greek philosophers, for instance, chronicled how people’s short-sighted passions got them into trouble when obscuring reason and lead them to engage in behavior that ran counter to their best interest. For Descartes (1649/1989), passions too could contradict deliberation and, if intense enough, be self-defeating by overpowering the minds’ countervailing efforts. In a similar vein, Adam Smith (1790) described human behavior as the outcome of a struggle between the ‘passions’, i.e. emotions and drives such as hunger and desire, and the ‘impartial spectator’, which he envisioned as an internal voice of reason able to moderate the passions. Hume (1739-40/1985) also referred to the dualism but reversed the primacy of reason over passion arguing that “reason is, and ought only to be the slave of the passions, and can never pretend to any other office than to serve and obey them”. More recently, Freud (1923/1962) expressed the inner tension as a conflict between an ego, which represents the rational and conscious self and obeys a reality principle, and a pleasure-seeking id.

However, as the 20th century wore on, the notion that feelings can be important drivers of behavior got somewhat lost to social scientists and psychologists who increasingly came to rely on strictly cognitive information processing models, thereby excluding from consideration the potential influence of affect on our choices and actions. Similarly, economists, and in their wake criminologists, reverted to rational choice and utility models to explain behavior, which were also restricted to that part of our mental operations which pertains to thinking, i.e. cognition (Haidt, 2006). This has led to a rather limited, and one-sided, view of decision processes under risk and uncertainty. As Loewenstein et al. (2001, p. 267) argue: “Many choice theorists are deliberately agnostic about the psychological processes underlying the patterns of choice that their models predict”.

Recently, in line with some of the insights from the classical theorists alluded to earlier, social psychologists, behavioral economists and neuroscientists have come to realize that there may actually be two systems or modes of information processing in the human mind. Consequently, our behavior may be guided not by one but instead by two systems that function relatively independent from each other. One of these systems is under volitional control, largely cognitive in nature, and the seat of reasoning and conscious behavior. The other system is automatic, strongly related to affect and often operating below the level of consciousness (Frankish & Evans, 2009). This view on cognition and affect, which is generally captured under the term ‘dual-processing’, can for example elucidate why the way we feel about something may differ from how we think about it, and explain the familiar ambivalent feeling of ‘being in two minds’ (Loewenstein & O’Donoghue, 2004). In this dissertation a dual-process model of criminal decision making is developed and tested. It is shown that criminal decisions too are a consequence of both modes of processing, not just rational deliberation.

CHAPTER OVERVIEW

Chapter 2 is intended to set the theoretical stage for the remainder of the dissertation. The article on which it is based was written with the goal of introducing dual-process theory to criminology and it proposes a hot/cool perspective on criminal decision making based on this theory. It reviews the literature and prior research on dual processing and makes the case for applying the dual-process hypothesis to the study of criminal behavior, and is the first in criminology to do so. The goal of this chapter is demonstrating how the hot/cool framework extends rationalist accounts of human decision making that currently dominate criminological decision making research.

The hot/cool perspective elucidates how affect is likely to influence criminal decisions alongside cognitive considerations, such as the perceived costs and benefits of crime. It is furthermore shown how the hot/cool perspective offers a more realistic account of criminal decision making processes than existing models and approaches and also allows for the explanation of a variety of criminal behaviors that are difficult, if not impossible, to explain in terms of rational choice or expected utility, such as offenses committed in states of sexual arousal or intense rage, and which seem to be impervious to deterrence. This chapter also explains how the hot/cool perspective provides important input for practice, for example by explaining that a failure on the part of offenders to recognize the influence of affect on their (criminal) decisions is likely to lead to a subsequent failure to take measures to avoid certain situations conducive to offending or to deal with intense affective states in non-criminal ways.

Chapter 3 empirically tests the dual-process hypothesis in a non-criminal context. I thought it necessary to first examine risk in general prior to applying it to a specific risk domain such as criminal choice. The reason is that even though various researchers have argued for a dual-process view in the context of risky decision making (e.g. Slovic et al., 2005), no study has actually tested it and hence empirical evidence for such a model was lacking.

In three different studies presented in this chapter it is shown how both cognition and affect are related to risky choice and belong to different domains of mental processing. In the first study, I use vignettes describing risky situations to test a model that includes both perceived risk, which is a cognitive measure, and negative affect, i.e. feelings of fear and worry evoked by the situation, as predictors of risky choice. The results indicate that both are significant predictors. These findings are replicated in Studies 2 and 3. However, in addition in Study 2, cognition and affect are made salient by adding cognitive information or affective information to the vignettes which leads to respective increases in the strength of perceived risk or negative affect as predictors of risky choice. In Study 3, using an experimental priming manipulation, I induce either a 'hot', affective, or 'cool', cognitive processing mode with participants prior to presenting them the vignettes. The results show that activating a cognitive processing mode strengthens the relation between perceived risk and risky choice, whereas inducing an affective processing mode strengthens the relation between negative affect and risky choice. Together these findings provide empirical support for a dual-process model of risky choice.

In Chapter 4, the cognition/affect distinction that underlies the hot/cool perspective is tested with respect to criminal choice in a representative sample of the Dutch population. However, besides the 'state' variables perceived risk and negative affect, this chapter also examines personality dimensions, 'traits', as predictors of criminal choice hypothesizing that the state variables mediate the relationship between personality and criminal choice. By examining the state factors of the hot/cool framework in conjunction with personality traits this chapter aims to arrive at a more comprehensive view of criminal decision making that incorporates both the distal and proximal levels. As hypothesized, we find both negative affect and perceived risk of sanction to be predictive of criminal choice, and both to mediate the relationship between personality and criminal choice.

In Chapter 5, I empirically test the hot/cool perspective of criminal decision making. Equal to Chapter 3, it is shown that the hot and cool processing modes can be independently activated using a priming task. Furthermore, this chapter replicates the findings of Chapter 4 by showing how perceived risk and negative affect mediate the relations between personality and criminal choice. The first study in this chapter examines the relations between personality traits and criminal choice with perceived risk and negative affect as mediating variables of this relation. In the second study, participants are made to rely more on either their thoughts or their feelings when deciding on whether or not to take illegal action using a priming task that is administered prior to the vignettes. The results provide evidence for the mediating role of perceived risk and negative affect and support for the hot/cool perspective of criminal decision making.

Chapter 6, finally, concludes the dissertation by discussing the findings in the light of their contributions to criminology, judgment and decision making research and social psychology. Strengths and limitations are discussed and potentially productive avenues for future research identified. The chapter concludes with practical implications and recommendations for policy makers.