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THE PSYCHOLOGY OF IRRESISTIBLE IMPULSE

Jess Spierer¹

"It is a fundamental principle of the criminal law that every crime, either common law or statutory, with the exception of public nuisances and breaches of what are commonly called police regulations, includes a mental element."² We know this mental element by diverse names,—*mens rea*, criminal intent, vicious will, guilty mind, and so forth—but its most important characteristic is a wilfulness to commit the crime or act in question. And when this wilfulness or volition is actually or constructively absent, there is generally no crime.

Of the several conditions which negative the element of volition or criminal intent, probably the best known is that of insanity. In the case of the grossly insane, the standards of responsibility seem to be fairly well defined, for as a general rule the law holds that if the misdoer does not know right from wrong with respect to his particular act, then he is not to be held accountable for what he has done.

In a well-known Pennsylvania case, Justice Gibson distinguished three types or levels of insanity. There is first, he held, a general insanity which is "so great as entirely to destroy . . . perception of right and wrong . . . It must amount to delusion or hallucination, controlling his will, and making the commission of the act, in his apprehension, a duty of overruling necessity." The second level is that of partial insanity, which is insanity confined to a particular subject, the misdoer being perfectly sane with regard to all other subjects. The Justice stated that: "In that species of madness, it is plain that he is a responsible agent, if he were not instigated by his madness to perpetrate the act . . ." for "A man whose mind squints, unless impelled by this very mental obliquity, is as much amenable to punishment as one whose eye squints . . . The law is, that whether the insanity be general or partial, the degree of it must be so great as to have controlled the will of its subject, and to have taken from him the freedom of moral action."

Finally, Justice Gibson distinguished a third condition which he labeled "moral or homicidal insanity," whose chief characteristic is an irresistible inclination to commit a particular offense. He held that if this condition is habitual—practically second nature—then the wrongdoer is not to be held responsible, for his mind is under

¹ Senior Psychologist, Western State Penitentiary, Pittsburgh, Pa.

² Keedy, E. R., *Insanity and Criminal Responsibility*, 30 *Harvard Law Review* 538-539.

coercion and incapable of resistance. This third category, "moral or homicidal insanity," is evidently synonymous with the present-day concept, *irresistible impulse*, or at any rate has become so with usage.

While the term, irresistible impulse, is now quite common in both legal and psychiatric literature, there appears to be no clear-cut agreement as to its exact meaning. This probably results from the fact that the expression itself is not a very satisfactory one. An irresistible impulse literally exists "... only in the incomprehensible acts of the confused epileptics, schizophrenics, paralytics and perhaps in some cases of paranoid attacks . . ."³ But the term has a much more extensive meaning, as we shall see. It is generally agreed that such an impulse is characterized by a sudden, un-deliberated inclination to act. It is also agreed that the impulse is in most instances capable of being resisted at least up to a certain point, so that it is irresistible in only a relative sense. In the common mind, it is believed that the impulse is symptomatic of insanity, but on this point there is not universal agreement, probably because the term insanity has no exact meaning, but is a generic concept whose limits are not definable with any degree of accuracy. From the writer's point of view, it is serious error to limit the concept of irresistible impulse to the insanities, for such a limitation is fictitious and arbitrary, without sound theoretical or factual basis.

Researches have shown that behavior impulses arise from diverse sources. Endocrinologists, for example, have clearly indicated that there is a definite relationship between glandular function and behavior. In the so-called normal individual there is a nice balance among the various endocrines, and the continuation of this balance seems necessary to the maintenance of an even emotional keel. Endocrine malfunctioning is soon reflected in overt behavior. We know, for instance, that over-activity of the thyroid gland frequently leads to irritability, excitability, and a tendency to respond quickly to stimuli. And knowing these characteristics of the hyper-thyroid, we meet the question whether there is a point at which impulses to act which are of glandular origin, and which are normally integrated into the personality, become irresistible as a result of glandular pathology? Researches suggest that this might be the case, and if it is, then clearly an irresistible impulse can exist apart from the so-called insanities.

But to observe how relative a concept is the term, *irresistible*, we need only to look at one of the normal rhythmical activities of the body. In a simple experiment in psychology, a female rat is placed in a revolving cage, and the amount of her daily activity is measured. Results uniformly show that she becomes more active during the

³ Aschaffenburg, Gustav, *Psychiatry and Criminal Law*, JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY, 1941, XXXII, p. 5.

oestrus than at other periods, and one can easily demonstrate the existence of an activity cycle which is apparently related to the oestrus cycle. To what extent or degree is this increased activity—this apparent pre-disposition to act—to be termed irresistible?

Further discussion along this line will lead us far afield, for our purpose in discussing behavior origins and motives has been merely to indicate that there are obviously many determining forces involved in behavior, and that we need to recognize, in speaking of impulses as being irresistible, that such impulses are not necessarily alike, but may develop from different psychological sources. They may also vary considerably in their characteristics and intensity, and need not be rooted in insanity, as is so commonly believed. One must conclude, therefore, that there is no single species of irresistible impulse; rather, there are impulses of many kinds. In the remainder of this paper, we propose to discuss irresistible impulse in relation to (1) emotion, (2) psycho-neurosis, and (3) habit.

Emotion

To what extent can behavior resulting from acute emotional stimulation be said to be irresistible? Sherrington has said that "Emotion 'moves' us, hence the word itself. If developed in intensity, it impels toward vigorous movement."⁴ And as Cannon has so well shown, every one of the visceral changes which is part of fear or pain—" . . . the cessation of processes in the alimentary canal (thus freeing the energy supply for other parts); the shifting of blood from the abdominal organs to the organs immediately essential to muscular exertion; the increased vigor of contraction of the heart; the discharge of extra blood corpuscles from the spleen; the deeper respiration; the dilation of the bronchioles; the quick abolition of the effects of muscular fatigue; the mobilizing of sugar in the circulation . . ."—all have an energizing effect, driving the body toward action.⁵ In this same vein, Kempf, in discussing anger, writes that "Anger is the aggressive compensatory reaction that follows more or less promptly and intensely, the fear reaction, and compels the removal of the stimulus from the receptor. That is, it compels an *attack* upon the painful stimulus . . ."⁶

But, as we well know, not every person who is thus emotionally stimulated finds a release in an aggressive act, for if this were so, the incidence of violent crimes would tremendously greater than is now the case. Fortunately for all of us, we are capable of resisting emotional impulses up to a certain point because our emotions

⁴ Sherrington, C. S., *The Integrative Action of the Nervous System*, Yale University Press (1906), p. 295.

⁵ Cannon, W. B., *Bodily Changes in Pain, Hunger, Fear and Rage*, New York, Appleton-Century Co. (1929), p. 225.

⁶ Kempf, E. J., *Psychopathology*, St. Louis, C. V. Mosely Co. (1920), p. 25.

are under the control of higher brain centers. However, studies have indicated that there are great individual differences in the ability to resist emotional stimuli, and that these differences are related both to the nature of the stimulus and to the degree of personality integration of the person being stimulated. When this resistance has been overcome, and the control of the higher centers of the brain no longer functions, the ensuing behavior is unpredictable, and the impulse to do a specific act is, for all intents and purposes, irresistible.

Psychoneuroses

A second and probably the best known form of irresistible behavior is that encountered in the *psychoneuroses*, which are commonly referred to as functional mental disorders. In psychiatric literature, the psychoneurotic is a common figure, described by a plethora of adjectives and phrases. He is said to be suggestible, emotionally unstable, socially inadequate; or perhaps he suffers from excessive anxiety or tension; or his behavior is stereotyped, and there is a restriction of spontaneity.

Psychoneurotic symptoms may appear in any one or in any combination of many forms; but we are especially interested in those known as obsessions, compulsions, or impulsions. Most of us have had experience with these, for in their mild manifestations they are quite common and occur not infrequently in normal persons, especially as a result of fatigue.

In the true psychoneuroses, the compulsions are frequently very difficult to control. “. . . impulses appear without cause, the patient is restless until they are carried out, and their accomplishment is accompanied by a feeling of relief.”⁷ In most instances, the impulses are capable of being resisted up to a certain point. Freud, for example, describes the case of a young man. “. . . for whom an obsessional neurosis made life almost unendurable, so that he could not go into the streets, because he was tormented by the fear that he would kill everyone he met.”⁸ However, the youth was able to restrain himself, and Freud reports that psychoanalytic treatment eventually effected a cure.

But sometimes the impulse gets out of hand, and the result is not so pleasant. Burt tells us that

“Petty compulsive actions are by no means uncommon in young boys. The child suffers from an uncontrollable impulse to make certain irrational movements—to count everything he comes across, to touch certain posts or articles of furniture. . . . At times, the impulse may be a criminal one. Kleptomania, nymphomania, pyromania, dipsomania, dromomania, homicidal mania, in short, nearly all the so-called criminal ‘manias,’ prove to be examples . . . of a compulsion neurosis. The offender acts as if under some spell of magic, and feels himself forced irresistibly to perpetrate

⁷ White, W. A., *Outlines of Psychiatry*, Washington, Nervous and Mental Disease Publishing Co. (1929), p. 92.

⁸ Freud, S., *Interpretation of Dreams*.

some useless theft, to wander off on some motiveless tour, to set light to some gloriously inflammable pile, or even to stab his nearest relation or strangle his dearest friend. . . ."⁹

It is probably this form of behavior, the compulsion neurosis, which the law has in mind when it speaks of irresistible impulse, perhaps because it seems to partake of the essence of insanity. The conduct of the psychoneurotic is usually so meaningless, so purposeless, that the law sometimes is willing to excuse it on the grounds that it was not rational, or was not volitional.

However, we must also bear in mind that even with the removal of the cause of the neurosis, the symptoms—stealing, arson, sex promiscuity, and so forth—frequently continue as simple habits or automatisms; that is, the symptom has become a learned or acquired trait.¹⁰

Habit

This fact raises the question whether habit in and of itself may make certain acts irresistible. It was Dewey who said that "Every habit is impulsive," and psychologists have long been aware of the potency of entrenched behavior patterns. James' classical description of habit development still provides food for thought:

"Every smallest stroke of virtue or of vice leaves its ever so little scar. The drunken Rip Van Winkle, in Jefferson's play, excuses himself for every fresh dereliction by saying, 'I won't count this time.' Well! he may not count it, and a kind Heaven may not count it; but it is being counted none the less. Down among his nerve cells and fibres the molecules are counting it, registering and storing it up to be used against him when the next temptation comes."¹¹

We know that subsequent behavior responses are facilitated by previous practice and experience, and that one who has formed a tendency to respond to a stimulus in a certain way eventually establishes an habitual reaction pattern to the appropriate stimulus, other factors being favorable. Response *A* comes almost inevitably to follow stimulus *B*. This process is well demonstrated in the case of the habitual forger. Starting on his career by successfully passing a worthless check, he finds this to be an easy way to make a living and passes more of them every time he needs money. His forgeries come to be semi-automatic, almost stereotyped responses, and continue in spite of repeated incarcerations.

It is important to recognize that criminal habituation need not involve any question of deep-seated pathology of the personality, but arises in the same manner as non-criminal habituation. There is essentially no difference, in so far as psychological processes are concerned, between learning to be a criminal and learning to be anything else. Criminologists have long been aware of the

⁹ Burt, C., *The Young Delinquent*, New York, Appleton (1931), pp. 560-561.

¹⁰ Hollingworth, H. L., *The Psychology of Functional Neuroses*, New York, Appleton (1920), p. 76.

¹¹ James, W., *Psychology*, New York, Henry Holt (1892), p. 150.

existence of a normal habitual offender who has adjusted to a life of crime; he is one whose spontaneous responses to a given situation are criminal in nature. He has become, to quote Dewey, ". . . a creature of habit, not of reason nor yet of instinct," and no more able to resist his criminal impulses than can the cigarette smoker stop smoking.

We have thus seen that it is erroneous to speak of a single kind of irresistible behavior, although the law arbitrarily does so. It is evident, also, that there is no readily observable line of demarcation between resistible and irresistible impulses. The courts have sensed this, and have wavered in their inclinations to accept the defense of irresistible impulse, for they realize that if they extend the concept of irresistibility to its limits, they might arrive at a point where no one can be held responsible for his acts on the grounds, as Alexander and Staub have put it, that all behavior is "overdetermined." And yet, the law is reluctant to punish those who are not responsible for their offenses.

Is there any solution to this problem? Should we free all criminals on the ground that they were not responsible for their acts; should we punish indiscriminately on the ground that everyone is responsible for his deeds? In answering these questions, part of the difficulty seems to lie in the fact that we think in terms of a standard of absolute responsibility and cling to it. Men are either absolutely guilty or absolutely innocent. And, of course, we have no alternative way of looking at wrongdoers as long as our thinking is oriented toward punishment and retribution. However, this type of thinking loses sight of a very important function of the law, that is, rehabilitation. If we conceive of one of the aims of law to be rehabilitation of the offender, we need no longer strain to find excuses for certain classes of individuals whom we wish to except from punishment, for every person may be held accountable for what he has done, and the disposition of his case will be made in accordance with an established program of differential treatment. The criminal whose act grew out of a neurosis will be handled one way; the normal habitual offender will receive another form of treatment; the emotional criminal, perhaps yet another. The point is, that instead of permitting irresistible impulse as a defense, the law would hold that the stronger the impulse, the greater the need for treatment. "Irresistible impulse would be the very antithesis of defense for conviction."¹²

¹² Waite, J. B., 23 *Michigan Law Review* 452.