

# THE IMMATURE PERSONALITY AND THE LAW

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## COMPONENTS OF HUMAN BEHAVIOUR

Human behaviour is the resultant of two components of the PERSONALITY:

- A. The ANATOMICAL Component is the brain and other parts of the nervous system through which MIND manifests itself. Thus defects in the structure of the nervous system give rise to an abnormal mind such as mental or intellectual deficiency or subnormality (backwardness, feeble-mindedness).
  
- B. The MENTAL or PSYCHOLOGICAL Component consisting of:
  - a. The INSTINCTS and their attendant emotions.
  - b. The SELF or mediator or rational agent.
  - c. The INTERNAL INHIBITORY or restraining system.

In this paper I propose to deal only with the MENTAL or PSYCHOLOGICAL Component.

The INSTINCTS are inborn or inherited ways of FEELING and ACTING in a fixed manner; however, training and experience may modify their behavioural expression though not their basic emotions. They vary from one individual

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to another in their intensity and in their power of adaptation to training and experience.

The SELF is that component which deals directly with the external environment (through the senses, thinking and memory) and with the instincts which it endeavours to modify and control into socially and morally acceptable channels.

The INTERNAL INHIBITORY or RESTRAINING SYSTEM. Man is not born with a ready-made notion of right and wrong. This notion is acquired gradually by the child as he grows up and is a copy of the notions of right and wrong held by his parents, his social, his cultural and his religious milieu. This process takes place through imitation, precept and examples of parents, teachers, members of society, etc. The result of these influences is the formation of an internal control system which regulates our thoughts, feelings and actions and makes us conform to socially and morally approved standards.

In our early years this internal control system is reinforced by the fear of detection, by expressions of disapproval and by punishment. As we grow up and mature psychologically and morally, the system is further strengthened by the development of the distressing feelings of guilt and remorse or CONSCIENCE.

It must be noted that socially acceptable behaviour and moral standards differ from one society to another and also within the same society from one social stratum to another and from time to time; but the psychological basis of all social and moral behaviour is always the result of the interrelationship between:

The INSTINCTS = What I really am = ID = the bad man or sinner = Devil

The SELF = What I believe I am = EGO = the rational being = Christian

The INHIBITORY SYSTEM = What I aspire to become = SUPEREGO = Conscience = Saint.

A crude analogy is the car:

The ID = the engine (driving force)

The EGO = the steering mechanism (guiding force)

The SUPEREGO = the brakes (restraining force)

## **CONFLICT - PSYCHOLOGICAL**

The human mind is in a continual state of CONFLICT within itself because the ID and the SUPEREGO are in perpetual confrontation or struggle in their efforts to induce the EGO to satisfy their mutually antagonistic drives and demands. ST PAUL very aptly describes this conflict as experienced by him: "For I delight in the law of God after this inward man (Superego); but I see a different law in my members (of the body) (Id) warring against the law of my mind (Ego)" (Epistle to the Romans, Chapter 7, v.v. 22 & 23).

If the EGO sides with or surrenders to the ID, it has to face the censure of the SUPEREGO in the form of guilt, remorse, self-reproach and perhaps also material punishment; if the EGO obeys the SUPEREGO, it suffers from feelings of frustration, disappointment and self-depreciation. The EGO, therefore, tries to compromise between the demands of the ID and the censorship of the SUPEREGO, i.e. between the demands of instinctual pressures and the restraints of morality and law, by adopting the least painful and the safest course of action as dictated by past experience.

## **CONFLICT - SOCIAL**

The instincts that tend to bring us into conflict with the LAW, if the SUPEREGO and the EGO do not succeed in subduing them, are:

1. The Acquisitive Instinct i.e. the quest for material gain and wealth.
2. The Self-assertive Instinct i.e. the urge for power or superiority in any form such as leadership in political, commercial, religious groups.
3. The Sex Instinct which may seek satisfaction in promiscuity, rape, incest.

Each of these instincts may harness to itself another very powerful instinct in order to overcome opposition. This is the FIGHTING or AGGRESSIVE instinct which when thus combined with the other instincts adds the element of violence to the antisocial manifestations of the other instincts.

## **IMBALANCE between the ID, EGO and SUPEREGO**

If these instincts are not unduly strong and if the SUPEREGO is strict in its censorship and if the EGO or SELF is well developed, we succeed in mastering the instincts referred to above and in avoiding clashes with the law. But if our instincts are too STRONG and the Superego and the Ego are not well developed, then we do not succeed in controlling our instincts and we are bound to come into conflict with the law because our inhibitory or restraining forces are incapable of counteracting the intensity of our instincts.

This IMBALANCE between ID, EGO and SUPEREGO may be due to:

- A. The temporary immaturity of the EGO and SUPEREGO in adolescence and youth.
- B. The permanent immaturity of the EGO in the adult.
- C. The permanent immaturity of the SUPEREGO in the adult.

A. The temporary immaturity of the EGO and SUPEREGO in adolescence and youth.

This gives rise to law-breaking owing to:

- i. The adventurous spirit and recklessness of this early age.
- ii. The non-realisation by the adolescent of the seriousness and consequences of his acts.
- iii. The suggestibility obtaining at this age from imitation of grown-ups and from the influence of a subcultural antisocial environment in which the adolescent has been brought up.

This type of law-breaking is not a great problem since the personality of the individual is NORMAL though as yet not adequately developed. In fact separation from an undesirable environment, sympathetic handling and the maturing process in the intellectual and ethical spheres will, with advancing years, provide adequate means to strengthen the EGO and SUPEREGO to restrain the ID or instincts.

B. The permanent immaturity of the SELF or EGO in the adult.

This defect prevents the adequate development of the faculty of self-criticism and judgement and therefore, of the ability to ponder upon and to choose the best course of action which is in harmony with the requirements

of the situation, with one's own social and moral standards and with past experience.

- C. The permanent immaturity of the SUPEREGO or CONSCIENCE in the adult. This defect prevents the individual from exercising the necessary inhibitory control over one's actions because there is no proper and adequate development of the Superego or Conscience or Ethical faculty.

This permanent immaturity of either the Ego or of the Superego or of both is characteristic of the so-called PSYCHOPATHIC STATES or PERSONALITIES or MORAL DEFICIENTS (old nomenclature).

### THE PSYCHOPATHIC STATE OR PERSONALITY

This may be defined as a psychologically immature personality possessing a normal intelligence but showing life-long inability to cope with the everyday requirements and difficulties of life and to adapt itself and conform to the prevailing moral and social attitudes and **mores** of the community.

The characteristic features are:

1. Lack of moral or ethical sentiments.
2. Lack of sense of responsibility; hence they are cheaters, thieves, etc.
3. Impulsive acts i.e. reacting to temptation or circumstances on the spur of the moment.
4. Inability to foresee or weigh consequences of their acts.
5. Aggression on the least provocation or without any apparent reason (van - dalism).
6. Sexual deviations - promiscuity, sadism, masochism.
7. Addiction to alcohol and drugs.
8. Unresponsiveness to persuasion, awards, punishments; hence recidivists.
9. Sometimes they band together under a leader as a group in opposition to other groups or to society in general with their own codes of loyalties and ideas of heroism.

Not all PSYCHOPATHS will show all these features as there are various gradations and shadings of this type of personality. In fact while some characters

are common to all psychopaths - such as impulsiveness, inability to weigh consequences and unresponsiveness to punishment - one trait such as aggressiveness or sexual deviations or addiction may be so pronounced as to dominate the picture and overshadow the other features of the personality.

## **CONCLUSION**

The foregoing brief survey of human behaviour brings to the fore the importance of the study of the personality of the offender BEFORE SENTENCE IS DELIVERED by the Court to unravel those features in its structure that have led him into conflict with the law. Our patterns of behaving and reacting are pretty constant throughout life and by studying the personality of an individual, we can predict the trends of his future behaviour and apply those remedies that are best suited to correct it. In so doing, we must keep in mind that:

- a. The Internal Inhibitory or Restraining System may be capable of being strengthened by the maturity that comes with advance in age, by training and by the pressures of our social and ethical environment upon the EGO and the SUPEREGO.
- b. Instincts and their accompanying emotions cannot be eradicated; they may only be capable of being moulded into socially approved channels.