

The Persistent Offender and his Family*

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This paper is a report by the McGill Clinic in Forensic Psychiatry of the present stage of research on the Persistent Offender and his Family. It is not intended as a detailed study nor will precise statistical findings be presented; it is rather an outline of some of the general trends that were found striking in our recent work.

In the field of criminology there has been a progressive shift in thinking from the crime to the offender, then to the family, and now the total problem is seen in relation to society. Following this logic, the study of the families of the persistent offender enters the realm of contemporary criminology.

The persistent offender is the man who is repeatedly in trouble with the law, who associates mainly with other criminals, spends a large part of his life in prison and whose record shows him to be a prison and penitentiary recidivist, who seldom if ever works for a living. The persistent offender is a man who lives by the proceeds of crime.

For research purposes the families have been divided into those which produce one habitual criminal, (the black sheep family) and those which produce many, the multi-delinquent family. This paper will limit itself to an examination of multi-delinquent families.

The study of the multi-delinquent family involves the investigation both of individual members and of the family group as such. To broaden our understanding of the persistent offender and his family, we have gone beyond one generation. The central core of this study is the persistent offender and his delinquent and non-delinquent siblings. This central group of siblings is referred to as Generation II. Generation I is the preceding one and consists of the parents, the uncles and aunts. Generation III contains the children of Generation

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II. We are thus studying parents, children (the subjects of this research and their siblings and spouses) and grandchildren.

With this genealogy in mind some statistics, implications arising from them, and trends which require further investigation will be presented. An attempt will also be made to consider three important questions:

- A. When and where do delinquency and criminality start and cease in multi-delinquent families?
- B. Why do these families produce persistent offenders?
- C. What can be done?

Methodology

This is an on-going clinical research, and interviews have been the principal means of securing information. The subject, his parents, siblings and other family members have been interviewed, and home visits made when possible. Information was obtained from accomplices, penitentiary records, after-care and social agencies and other sources.

The histories are longitudinal, not only because they are chronological, but much has been added from year to year as the inmates have been seen in and out of prison. What can be obtained through clinical interviewing over a long period is the changing family picture, the changing quality of relationships, important changes of feeling. In some cases there has been a contact of seven and eight years. This kind of information cannot be duplicated in questionnaires no matter how carefully they are devised.

Since the aim was to trace the roots of criminality in multi-delinquent families what was important was to evaluate beyond the present ties to whatever family remains of the past. It should be noted also that this evaluation refers to its conditions during the childhood and adolescence of the subject to the present.

The information given to the researcher by the persistent offender and by the family frequently did not tally. A visit to the family or interviews with other members often revealed that there were inaccuracies, the story was a projection of a subjective conflict with parents and/or siblings. It was frequently deformed by rationalization or paranoid thinking; there were memory distortions due to the passing of time.

At the Third Montreal Research Conference on Criminology and Delinquency in 1962, we reported on fifty multi-delinquent families. The present report deals with 115 documented families and includes the original fifty. The information on these 115 confirms findings and trends described in 1962.

With few exceptions these families are underprivileged and belong to the well-defined group of multi-problem families. Contemporary social theories have contributed to the understanding of the socially and economically underprivileged. We will examine whether these theories provide practical solutions. This aspect will be covered in the third question: "What can be done?"

A. When and Where Do Delinquency and Criminality Start and Cease In Multi-Delinquency Families?

This study confirms an important earlier finding that in the multi-problem, multi-delinquent families, the three classic etiological determinants of criminality, the constitution or endowment, the environment and the acquired or psychological factors co-exist in the majority. They not only co-exist but mutually feed one another, and in severe cases it is difficult to determine which factor is dominant. What has been said about the fifty multi-delinquent families applies to the 115 and, we quote — "In a multi-delinquent family, which is invariably a multi-problem one, we find a variety of symptomatology, physical, mental and behavioural in the individual members. While some may be limited to one dominant pathology, others may present at various times in their careers an alternating symptomatology, running the gamut from psychosomatic ailment to neurosis, to psychosis, to sociopathic behaviour. Thus, all forms of pathology may be seen in different members and many forms may co-exist in one individual. These physical, emotional and behavioural disorders are pathological ways of adapting to life. They are alternate means of dealing with stress."

In this study the focus is mainly on the criminal sons. However, some comments on the daughters will be made to clarify the family picture. There has been some investigation on the delinquency of the daughters about which we will report in the future.

One hundred and fifteen multi-delinquent families produced 760 children, of whom 495 were sons and 265 daughters. There is a notable discrepancy in the distribution of the sexes, the males outnumbering the females in a ratio of about three to two. It can be expected that in multi-delinquent families sons will outnumber daughters. The incidence of delinquency is higher among males and it is logical that the multi-delinquent families are recruited from those with many sons.

One way to measure the malignancy of the processes which create criminality is to group these families according to the number of criminals they produce. In ten families with males only,

having 42 children, all were delinquent. In 32 families with 124 male and 55 female offspring all the males became delinquent, as in the ten families above. Thus 42 families produced 166 criminals representing 100% delinquency among the males. The 166 criminals coming from these 42 extremely pathological families contained 52% of the 317 delinquents. Thus 32% produced 52% of the criminals in these families.

Of the remaining 73 families with 539 children, 329 males and 210 females, 151 were known criminal. This 67% of families produced 48% of the delinquent sons. These statistics reflect the wide extent of criminogenic potential in such families.

To the question of where delinquency begins in these multi-delinquent families, we must say that it is engendered in Generation I. If Generation II was born and raised in underprivileged conditions, it is because their parents were either themselves born into poverty or sank to that level. What is important is that in most cases these conditions prevailed during the early formative years. Noteworthy is the fact that in this sample none of the parents are persistent offenders. Here and there we find a criminal record consisting either of an incidental offence or offences such as drunkenness or non-support. Many of these offences are the type which should be dealt with in family courts.

Alcoholism, heavy drinking and its complications which disrupt family life, are very commonly encountered. (It is not an unusual phenomenon to find a similar pattern among the brothers and sisters of Generation I, that is the uncles and aunts of persistent offenders. We know offhand of 15 families, collaterals of Generation I which are multi-problem and multi-delinquent families).

As mentioned, the criminality encountered in the sons of Generation II finds its roots in the parents who started in the main as underprivileged and have remained underprivileged. Years may have elapsed since their children first became delinquent, but the parents are still living under substandard conditions. Many underprivileged are capable of working their way out and do. Others remain chronic problems or deteriorate.

It must be emphasized that not all multi-problem families are either multi-delinquent themselves or give rise to multi-delinquent families, and though we have no statistical data, our impression is that most underprivileged and multi-problem families are not in fact multi-delinquent. To determine which underprivileged family will rise, which will remain static and which will sink is beyond the scope of this paper. A problem as vast as this should be explored in its psychological, biological and social dimensions.

Among the underprivileged, the multi-problem, multi-delinquent family is perhaps the severest pathological manifestation and the fate of these families is one to which we have given some thought.

Having attempted to trace the sources of persistent criminality in these families, let us look at its outcome. From this and other studies (we have fully documented information on over 300 persistent offenders) some trends can be discerned and some conclusions reached.

The following trends emerged with regard to the marriages of persistent offenders and their siblings.

Persistent offenders as a group show a markedly low rate of marriage. In our studies 72% who are of marriageable age are single. This statistic will probably decrease with time as more will marry. Having followed persistent offenders over many years we would be more than surprised if the rate goes down sharply, and the most optimistic projection is that it may decrease to about 65%. To the question as to where criminality ceases for this group of the non-married (the majority), it can be said that criminality is extinguished within their generation.

Of 28% married persistent offenders, the marriages are with few exceptions short-lived, characterized by early separation, divorce or desertion. Few children are born of these unions. Because of the breakdown of the marriages the fathers are out of reach, and the children depend on the mothers who usually maintain contact with them. They either keep the children with them taking full responsibility for their upbringing, or place them temporarily. A number remarry and bring the children into another family. No matter what arrangements are made for the children and where they are placed, it is as a rule superior to the family setting in which their criminal father was raised.

The conclusions, tentative as yet on the outcome for these children, is that they do not follow in their fathers' footsteps but are integrated into society. Of Generation III (the children of persistent offenders) some of the sons who have reached the age where they could become persistent offenders have so far remained non-criminal. Others are too young to report on; others' whereabouts are unknown.

Another way to illustrate that persistent offenders do not engender persistently criminal sons is to mention that out of the 300 known to us, in only 5 cases are we certain that a father who is a persistent offender had a son who was also a persistent offender.

We have, however, information on many fathers and sons who are offenders, some of whom have even worked together as partners.

These fathers were not persistent but incidental offenders entering into the group of late comers to crime, or marginal individuals involved in petty criminal activity, the type already mentioned and frequently encountered as the head of the multi-delinquent family. The sons of such fathers often become persistent offenders outdoing their fathers in criminality. We conclude that the chance that a persistent offender will be the father of other persistent offenders is minimal but on the other hand the chance that a father who indulges in incidental or marginal offences with a multi-problem family will give rise to a multi-delinquent family is great.

The Non-Criminal Sons

For a full picture of a multi-delinquent family and its outcome, information on all family members should be included, the non-delinquent as well as the delinquent. The essentially non-criminal sons, contrary to their delinquent siblings, follow a normal pattern of marriage, have an average number of children and appear to make a conventional adjustment. Furthermore, in the multi-delinquent family not every son becomes a persistent offender; some are incidental or episodic. The trend is for these latter to marry like their non-criminal siblings. Though the non-criminal sons who marry make conforming marriages on the whole, this does not exclude the possibility that some of their children may become delinquent and eventually criminal, but we have no reason to believe that the incidence of delinquency and criminality in these families is much above the average. The contamination of collateral who are criminal cannot be ignored and this impression may in time be modified.

The Daughters

It is not intended here to enlarge on the delinquency of the daughters but some comments are in order to complete the picture of the evolution of the multi-delinquent family. If the delinquency of the girls is to be judged by juvenile court appearances, placement in reform schools, behavioural problems such as promiscuity, prostitution and children out of wed-lock, then a large proportion of these girls are delinquent. It is generally accepted that behavioural problems in girls tend to be short lived, and even when acute decrease sharply with maturity and marriage.

A pregnancy, though undesired, is a deep human experience and sometimes promotes maturation. Though the shorter course in delinquency can hardly be explained by a single factor, attention should be paid not only to the difference in pattern between delinquent

boys and girls but also to the similarities. Behaviour which is considered delinquent in girls such as early sexual experiences is overlooked in boys and compulsive stealing is common to both.

Whether or not they are delinquent at some period in their life, the daughters in multi-delinquent families as a rule marry. The marital histories show the following patterns:

a) A number, because of their close association with their delinquent brothers and friends, married criminals. Multi-problem, multi-delinquent families congregate in delinquency areas and there is a good deal of intermingling. In the 115 families of this study we have information about ten intermarriages and there are many others.

What happens to these marriages? The girls are married to persistent offenders — and the result has already been described — separation and divorce and few children. The marriage is broken very early in its career and the wives generally remarry or from other unions.

b) There are daughters who made completely non-criminal marriages, similar to their non-criminal brothers. A contact has been established with some of these daughters because they are often very important to their criminal brothers. They represent the best element in the family, stability, a good value system and security. This is the sister to whom they look for help between sentences. She is often described as the mainstay of the family.

c) There is a third group of daughters who whether married or not cannot be clearly defined because of their early departures from the family or the unsettled quality of their lives. Information from other family members reveals that they have left the home and that the relationship to the family has broken. Some are said to be prostitutes living in a criminal milieu, but such information is often subjective; when testing it may turn out to be inaccurate or highly coloured. Some, again according to hearsay, have made remarkably good adjustments and they have moved out of the under-privileged class.

Tentatively, with regard to the daughters and their role in contributing to the furthering of criminality, the impression is that those who make less healthy adjustments form families likely to become multi-problem and in danger of becoming multi-delinquent. The latter, however, appear to be in the minority. Most of the daughters in the face of considerable stress and behavioural difficulties seem to have overcome many crises, particularly severe during their adolescence and early maturity and may have eventually stabilized.

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B. Why Do These Families Produce Persistent Offenders?

A final, all encompassing categorical answer is hardly possible to this crucial question. Of the many leads we have followed we will limit ourselves here to two concepts which permit the process to be seen clinically and sociologically.

Survival

Disruptive forces within many of these multi-delinquent families are so strong that as we have already noted, the members who become persistent offenders, fail to reproduce. Their capacity to carry on delinquency ends with them. This is only one part of the picture; no matter how stringent the conditions, humans do not easily accept annihilation and they look for ways out. In these family groups which suffer from socio-economic and what we describe as "human poverty", delinquency and criminality are a means of survival. For the children and the adolescents, delinquency has meaning in itself, but it is also utilitarian. Some parents, though being within the law themselves, profit from the thieving of their children.

The drive for the material possessions and the status which the more fortunate have is understandable. Man needs more than the barest means of survival but wants access to sources of satisfaction which make life worthwhile. This becomes for these under-par families a right as well as a need, a means of self-esteem. As they cannot, because of their inherent and acquired handicaps, gain their ends through socially and legally desirable means, it is inevitable that they will become receptive to illegal means. Delinquency is thus not necessarily an acceptable value but an expedient for day to day survival — a way out, a means of gaining what they feel are their rights. In this process of survival they become unconcerned about society, not to say hostile, and the persistent offenders in these families are antisocial.

Accommodation

Another concept is one of accommodation. Here step by step there is a gradual assimilation of delinquent values, involving more than one generation. Such families accustom themselves to delinquency in gradually increasing doses. Generation I was not overtly delinquent, nor probably were their parents. Starting with marriage, however, there is an increasing acceptance, first of poor social norms, then of deteriorating values which result in permissiveness of delinquency for their young, a toleration of disregard for law. Delinquency infiltrates and becomes slowly part of the family fabric. In this

accommodation to delinquent values, there is more than a value change. The image of what is law and what is justice becomes blurred, to the point where justice is felt as injustice. They reject a social justice which is indifferent to their hardships; they become more and more entangled in an on-going struggle with legal justice where they feel unprotected and unequal. These are the families who cannot buy legal assistance when their sons are in trouble. To be noted is that most young offenders appear undefended on their first appearance at Court.

In the struggle for survival and in their abiding sense that their position is not only unjust but that they cannot work their way out by any allowable means, delinquent values are ultimately accommodated.

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C. What Can Be Done?

Merton, in applying his concept of anomie to the problem of delinquency, lays much stress on cultural values, aims, and expectations, in contrast to a social structure which provides few opportunities and means for the underprivileged to achieve these desires and expectations. In commenting on Merton's views Clinard says: "In American culture for example, the ends are symbols of status based on the possession and display of economic goods. But such goods are not available to every one. This contradiction results in a breakdown of a pattern of complying with legal and social norms in order to obtain these objectives". This is undoubtedly an over-simplification of Merton's theory whose implications go far beyond the problem of delinquency. Nevertheless, we can hardly ignore the great influence of Merton on the problem of delinquency, especially in North America. His concept is contained in many of the policies and measures undertaken in the "war against poverty" which is now engaging so much attention. This poverty refers almost exclusively to economic poverty rather than what we describe as "human poverty", that is, poverty of constitutional endowment, poverty of human potential undeveloped or under-developed or damaged to the point of being irrecoverable, or which can only be partially restored with appropriate means.

To create opportunity for the under-privileged is necessary and would in some cases be the solution to needless poverty. But such opportunities are a solution only to the extent that the under-privileged are physically, mentally and psychologically in a position to take advantage of them. Many criminals enter into such a category, but we have great reservations as to whether the "war against pover-

ty", no matter what ways and means are employed, can cope with the greater challenge of "human poverty". We are forced to conclude that no matter what opportunities are created for the most seriously damaged described above, it is highly doubtful that they will be able to use them well.

Most studies on the family and delinquency seldom provide a dynamic picture of a group but rather limit themselves to a particular individual in a family, without taking sufficiently into account that the total picture consists of people who interact. The persistent delinquent belonged first to a family and only after became an individual in society; many developed their fixated delinquent patterns well before they discovered in themselves the psychological meaning and reality of society.

As clinicians engaged in the problem of persistent delinquency we take objection to theories which explain criminality only as a conflict between individual aspiration and social opportunity. We believe that it was not Merton's intention to offer this as a total explanation of criminality and we would go along with his thinking provided it is limited to the type of delinquent individual who can make use of available opportunities. It is our belief that the greater number of persistent offenders, particularly those from multi-problem and multi-delinquent families are in no position to take advantage of such opportunities. Though some of the underprivileged families we have described are the product of predominantly social and economic stresses, there is strong evidence that the majority do not fall into this group. This confronts us with a dilemma and challenge which require new theories, new concepts both for understanding and practical action.

Before entering into this discussion let us reiterate that the most pathological of the multi-problem, multi-delinquent families cannot benefit from the solutions which emerge from Merton's theories. No one would seriously question that regardless of the number of opportunities, a man will be able to avail himself of these only to the degree that he possesses the potential. Here lies a basic human problem not to say an existential problem. Some do not have the capacity, and this incapacity, this "human poverty", is not related to adverse social and economic factors though socio-economic poverty creates added complications and underprivileged status. "Human poverty" goes beyond the poverty of endowment; it involves physical or psychological defect resulting from a lack of growth which may in whole or in part be irreversible. The individual is therefore unable to use during his whole or an important part of his life the opportunities he greatly requires. We are here obviously no longer in the realm of poverty or under-

privileged status which can be defined in socio-economic terms but at the heart of the most depriving poverty. This "human poverty" must be studied in the three areas which are the sources of criminality; the constitution or what one is born with; the acquired, a concept which should include what has not been acquired or has been ill-acquired; and the psychological make-up which emerges from the other factors.

It should be stressed that the fact of "human poverty" does not take away from the sufferers the wish and the urge to participate, to possess what is enjoyed by the average and the more privileged. However, the "human poor" cannot take advantage of the means available to others nor can they use the special means designed for those whose poverty is mainly related to environmental conditions. To help them, new concepts for action are in order. Here clinical medicine may be of value.

Prolonged, perhaps chronic invalidism is recognized as a medical condition and it is taken for granted that when it exists medical, and if necessary material assistance are provided. This recognition of a state of invalidism is accepted for psychiatric conditions as well as for purely medical, and a psychiatric patient can be maintained in society and receive medical and financial assistance if his condition permits, in lieu of confinement to a mental hospital. Though often related to social problems, subsidy for invalidism for medical reason is generally justified by specific medical conditions. When, however, the physically handicapped in our society who cannot compete are subsidized, we begin to approach a kind of invalidism which is not justified by medical reason alone, but includes the social. This permits us to introduce a concept which we call "social invalidism". The recognition of a state of social invalidism would enable relief for the human poverty we have found in the multi-problem, multi-delinquent families. The term social invalidism is used to refer to individual or family groups who for an accumulation of reasons, not necessarily medical are from the start not on a par with others in the community, cannot live within the norms prescribed by society, and are not in the position to reach the minimum expectations of that society. When individuals or family entities lack the essentials to attain minimum standards they must be treated as invalids and given necessary assistance at every level. The concept of social invalidism would provide for them in the same way that the chronically ill or handicapped are helped, if necessary on a permanent basis. Once identified, however, and their lacks supplemented, there is reason to believe that they could use what strengths and resources they possess to their best advantage.

Many psychiatrically ill now live in the community with help, and for these people mental hospitals no longer put out of sight a problem which society is reluctant to face and wishes to forget. Penal institutions of every kind remain in our western world, a kind of receptacle of the effects of human poverty, where the socially deviant who are the result of this human poverty are relegated and only too often forgotten. This is a strong statement, but in the light of what the multi-problem, multi-delinquent family is in terms of its own misery and what it produces, we will allow you to decide whether prison is a solution and where we should begin to look for solutions.

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CONCLUSION

Certain findings have been established in this research and some trends can be discerned. The logical questions which follow are where we go from here and can practical implications be drawn from the present research material.

1. In the past, studies on the family and criminality were usually based on the point of view of one member who saw the others through his own subjective veil and personal conflicts. Though valuable and providing useful leads in clinical work, this approach is partial and one-sided. To understand the interaction between the family and delinquency in all dimensions requires a study of a total family group, in at least two generations. The case approach will remain our main focus and technique.

2. We have until now concentrated on the criminality of the sons in these 115 families. The next step is to find what happened to the daughters. All the siblings and their inter-relationships should be accounted for. In the average family brothers and sisters influence one another greatly. In the multi-problem, multi-delinquent family such influences and inter-relationships exist and contribute their share towards the outcome of the many pathological formations, one being criminality.

Great emphasis is put on the differences between the delinquency of boys and girls. These undoubtedly exist and should be further investigated. There is no better place to begin a study of similarities and differences between the sexes than in the multi-delinquent family.

3. Once the delinquency of a family as a whole is studied, parents and siblings including the daughters, the question presents itself:

why in a certain family do some members become criminal and why do others escape? Where does the resistance come from in the particularly disadvantaged family, and why in a large family where most of the offspring do well, do only two members end up as habitual criminals? From such comparative studies in depth, further leads should be possible.

4. Another source in such a research are psycho-physiological and biological studies. One that holds out some promise is the use of EEG. Till now encephalographic studies on "psychopaths" were usually group studies taken on the one occasion. These have indicated the presence of immaturity tracing. As there is both theoretical and clinical evidence that delinquency abates with time, the next step would be a series of EEG studies over a period of years from many subjects. As persistent offenders spend many years in prison this is a practical undertaking. Furthermore, brothers of multi-delinquent families are often in prison at the same time and it would thus be possible to have information on more than one member of a family. It would, of course, be desirable to include the non-delinquent members in such a study. This is possible in the case of some families with whom we have established an on-going contact.

There are other significant advances in the field of genetics. There is a possibility that chromosomal studies may reveal differences between the antisocial and the noncriminal. These investigations are still at their earliest beginning but they give promise that it may be possible to clarify the obscure area of the constitutional hereditary factors in criminality. Again a logical place to carry on such studies is the family.

5. How can this partial knowledge be put to practical use in correctional institutions, probation and parole services? Customarily, the families of Generations I and H are investigated as a resource; sometimes a temporary return to the family is a condition of parole. In multi-delinquent families it is doubtful whether such a return should be encouraged. The ties of persistent offenders are often limited to their delinquent families and criminal associates. The problem is to permit the return to a family which could not prevent delinquency in the past and may be in no better position now. To forbid contact is logical but in fact not practical. We are in contact with persistent offenders who are on parole and with family members and are giving serious thought to this problem. The most careful consideration must be given in every case to make certain that the family can help without endangering itself.