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BORN TO CRIME: THE GENETIC CAUSES OF CRIMINAL BEHAVIOR.
By *Lawrence Taylor*. Westport, Conn.: Greenwood Press. 1984. Pp.
x, 179. \$27.95.

Born to Crime is Lawrence Taylor's¹ attack on current theories of crime and punishment:

We have premised both the concept of guilt and the subsequent punishment . . . on the theory that humans are creatures of completely free will . . . whose behavior can be modified by environmental influences. It now appears that this approach may be futile, that antisocial behavior may be the result of genetic influences [P. 32.]

Crime is neither an expression of free will, nor the product of environment, but is the manifestation of inherited physiological disorders that predispose persons to criminal behavior. This is the thesis of *Born to Crime*.

Much of *Born to Crime* is organized in a topical fashion. Taylor introduces a disorder, presents evidence of its genetic origin, and then examines its behavioral effects, with particular attention to its influence on criminal behavior. Among the disorders examined are limbic brain disease and temporal lobe epilepsy, XYY chromosomal deviation, premenstrual syndrome, and testosterone imbalance. Each of these conditions may give rise to violent behavior. And, Taylor notes, persons suffering from such disorders comprise an unrepresentatively high percentage of the violent prison population.² In addition to these disorders, Taylor examines the genetic causes and behavioral effects of alcoholism and schizophrenia.

In "The Born Alcoholic" (pp. 107-22), Taylor reports that the

1. Lawrence Taylor, a criminal defense lawyer in private practice, was formerly Associate Professor of Law at Gonzaga University. He has served as Deputy District Attorney for Los Angeles county, and as Special Prosecutor for the Attorney General of Montana. He is the author of nine books, including *EYEWITNESS IDENTIFICATION* (1982) and *WITNESS IMMUNITY* (1983).

2. One study of 400 violent prisoners, for instance, found that 9.5% of the prisoners had known histories of epilepsy — more than 10 times the normal rate. P. 57. Another study found that, while the general incidence of XYY chromosomal deviation is about 0.10%, its incidence in criminal institutions is 2.05%, or more than 20 times the rate found in the general population. P. 78.

identical twin³ of an alcoholic is four times more likely than a fraternal twin to be himself an alcoholic (p. 117). Identical twins are genetically identical; fraternal twins are not. To the extent that genetic factors influence behavior, therefore, one would expect to find greater behavioral similarity between identical twins than between fraternal twins. Similarly, studies of adopted children reveal that children whose biological parents are alcoholics are more likely than other children to become alcoholics themselves (p. 116). Both findings, therefore, indicate that alcoholism has genetic origins.

Schizophrenia, reports Taylor, may have genetic origins as well. Taylor cites five studies which conclude that, while the incidence of schizophrenia in the general population is one percent, the incidence among fraternal twins of schizophrenics is ten percent; among identical twins, sixty percent (pp. 129-31). Furthermore, studies that have examined the incidence of schizophrenia in adopted children of schizophrenic biological parents reveal that, as with alcoholism, schizophrenia is closely tied to biological factors (pp. 132-33).

Discovering the origins of such disorders is important because of the disorders' effect on criminal behavior. For instance, alcoholism, writes Taylor, is "one of the major causes of criminal behavior today" (p. 107). Taylor's evidence linking genetic disorders to an unusually high incidence of criminal conduct is persuasive, and has profound implications.

3. To prove the genetic origins of criminal behavior, and of behavioral patterns generally, Taylor relies heavily on studies of identical twins. Most of these studies are one or the other of two types. In the first, researchers study identical twins reared apart, to determine the respective influence of environment and heredity in shaping behavior. In the second, researchers compare the behavioral patterns of identical and fraternal twins. The most impressive study cited by Taylor is an ongoing project conducted by researchers at the University of Minnesota. The study's conclusions have not yet been published, but preliminary findings are reported in Bouchard, *Twins Reared Together and Apart: What They Tell Us About Human Diversity, in INDIVIDUALITY AND DETERMINISM* 147 (S. Fox ed. 1984); Bouchard, *Do Environmental Similarities Explain the Similarity in Intelligence of Identical Twins Reared Apart?*, 7 *INTELLIGENCE* 175 (1983); Bouchard, *Twins — Nature's Twice-Told Tale*, 1983 *BRITANNICA YEARBOOK OF SCIENCE AND THE FUTURE* 68 (1983). Drawing from such studies, Taylor concludes that many physiological disorders are genetic in origin, and may predispose persons to criminal behavior.

While Taylor presents most of his scientific evidence in a responsible fashion, he does himself a disservice at times by trying to prove too much. He writes:

The similarities in even the most minute details of the twins' lives are striking — similarities that go beyond coincidence and raise the question of just how far genetic determination of behavior extends. Consider the case of one set of male twins. . . . Both men, reared entirely apart, liked math and disliked spelling in school, worked part time as deputy sheriffs, drove Chevrolets and habitually vacationed in Florida. Both had married women named Linda, and both had divorced them; both had remarried women named Betty. Each had one son — named James Allan and James Alan, respectively. Both had dogs that they had named "Toy."

Pp. 45-46.

The source from which Taylor obtained the histories cautioned: "As [researcher/psychologist Auke] Tellegen warns, any conclusions at this point are 'just gossip.' The similarities are somehow more fascinating than the differences, and it could well be that the subjective impression [the twins] make on the investigators is heavier than is justified." Holden, *Identical Twins Reared Apart*, 207 *SCIENCE* 1323, 1325 (1980).

The discovery that some criminal behavior has genetic origins, argues Taylor, requires a reevaluation of the traditional theories of punishment. Taylor sets out four theories of punishment and argues that each is either ineffective or inappropriate to the control of genetically caused crime. Retribution is inappropriate when the cause of crime is a nonculpable genetic disorder; deterrence is ineffective insofar as the conduct of criminals is biologically determined; rehabilitation is premised upon the faulty assumption that criminal conduct is a product of environment; and incapacitation is effective, but isolating an individual from society "because of a birth defect goes against the grain of our sense of justice" (p. 145).⁴

An appropriate response to genetically caused crime, suggests Taylor, lies not in these traditional theories of punishment, but in remedial and preventive measures designed to eliminate genetic disorders. With regard to remedial measures, Taylor advances three. One measure is to execute the individual, but Taylor rejects this proposal as impolitic.⁵ A second is to isolate the individual from society. Taylor intimates that this is a more practical solution.⁶ A third method of dealing with persons who are potentially dangerous is medical treatment. Advances in genetic research, suggests Taylor, may soon make it possible to treat many disorders effectively through chemical or surgical procedures.

If the criminal justice system is to respond effectively to crime, however, these remedial measures are not sufficient. Measures must be taken, Taylor says, to prevent the *occurrence* of genetic disorders. Genetic screening may be used for this purpose. But if it is employed, society must decide what consequences should flow from the results. Taylor offers a range of alternatives from counseling to compulsory sterilization, but offers no opinion on their merits.

Ultimately, *Born to Crime* leaves the reader interested but unsatisfied. Although Mr. Taylor restates his thesis regularly throughout the book, he does so each time in slightly different terms. In one passage, he refers to the genetic causes of crime; in another, to the influence of biological factors on antisocial behavior. The reader is left unsure what Mr. Taylor is trying to prove. For instance, at one point Taylor asserts that "[g]enetics, not environment, is the primary . . . [cause] of criminal behavior" (p. 105). Taylor, however, does not support the

4. *But see* note 6 *infra*.

5. Taylor writes that: "[L]ooking at it from current concepts of morality and human rights, [capital punishment] appears indefensible. . . . Our present morality requires that the individual be permitted to complete his or her lethal act before being 'punished.' Our morality is based upon free will and fault, not upon genetic determination and social utility." P. 151. Throughout the book Taylor demonstrates the fallacy of free will and fault.

6. To objections that preventive detention of this sort is unfair and contrary to our system of justice, Taylor replies that "[o]ur laws are replete with examples of situations where an individual will be imprisoned because of the *potential* for harm that he or she represents" P. 152 (emphasis in original). As examples, Taylor points to the laws against drunk driving and vagrancy, and to the inchoate crimes of solicitation, conspiracy and attempt.

claim. He demonstrates only that genetic disorders may promote violent behavior and that such behavior may in turn give rise to crime. As a consequence, the focus is on violent crime, not on criminal behavior generally. Limiting the focus to violent crime, Taylor's evidence still falls short of establishing genetics as its "primary" cause. His proof is less ambitious than his claim. The proof is important, nevertheless, because recognition that some criminal behavior may be the product of inherited physiological conditions raises difficult and important issues, and may, as Taylor argues, require a reevaluation of our theories of crime and punishment.⁷

Born to Crime is not a balanced work on the origins of criminal behavior. Taylor does not offer any evidence contrary to his thesis. He ignores economic and sociological factors. His bibliography is short on sources which present opposing theories. But *Born to Crime* succeeds in informing the reader of recent and exciting research in behavioral genetics, and it succeeds in raising some important questions. In these respects, *Born to Crime* succeeds on a level less ambitious than perhaps its author intended.

7. This reevaluation may already have begun. Dan White's defense of diminished capacity resulting from biochemical changes in the brain triggered by diet (the so-called "Twinkie Defense"), see Comment, *The Diminished Capacity Defense in California; An Idea Whose Time Has Gone?*, 3 GLENDALE L. REV. 311, 316-17 (1978-79); 'Twinkie Defense' — *It Proved to Be Right Recipe*, L.A. Times, May 23, 1979, at 1, col. 5, and the introduction of chemical or surgical castration as a sentencing alternative for sex offenders, 'Chemical Castration' Ordered in Assault Case, N.Y. Times, Jan. 31, 1984, at A10, col. 5; Schmidt, *Rape Sentence: Castration or 30 Years*, N.Y. Times, Nov. 26, 1983, at A9, col. 1 (surgical castration), have rekindled the debate on the nonenvironmental causes of crime.