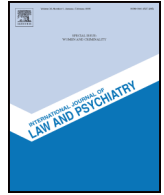




Contents lists available at ScienceDirect

International Journal of Law and Psychiatry



Childhood animal cruelty, bestiality, and the link to adult interpersonal violence

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ARTICLE INFO

Available online xxx

Keywords:

Animal cruelty
Bestiality
Zoophilia
Violence
Sexual violence
Violence risk assessment

ABSTRACT

Animal cruelty has been a concern of the legal and psychiatric communities for many years. Beginning in the early 1800s, state legislatures in the United States established laws to protect the basic safety and security of animals in their jurisdictions. Legislatures have differed in opinion on the animals to receive protection under the law and have instituted differing penalties for infractions of anti-cruelty measures. In the 1960s, the psychiatric community took notice of childhood animal cruelty as a potential risk factor for violent acts against humans. Since that time there has been increasing evidence that children who engage in animal cruelty may be at increased risk of interpersonal offenses in adulthood. Less is known about children and adults who engage in bestiality and the potential risk that these individuals may pose for interpersonal sexual or nonsexual violent acts. We review the legal status of animal cruelty in the United States, summarize the history of psychiatric interest in and research of animal cruelty, describe current knowledge regarding the link between animal cruelty and violence, and propose a novel classification scheme for individuals who engage in bestiality to assist forensic psychiatric examiners in determining the risk that such behavior poses for future interpersonal offending.

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1. Introduction

Cruelty to animals served as the nidus for the establishment and expansion of animal protection laws beginning in the early 1800s in the United States. The mistreatment of animals sparked early advocacy efforts that prompted the development of a body of law that has come to regulate the treatment of animals and to punish offenders as criminals. Most states now punish both overt acts of cruelty and acts of negligence such as the failure to provide basic necessities to animals. Early laws prohibiting sexual acts with animals actually predated the first anti-cruelty statutes, and many states today have statutory law prohibiting such behavior.

Early psychiatric interest in animal cruelty focused on overt acts of violence toward animals, including torture, mutilation, and killing. In the early 1960s, psychiatrist Dr. John Macdonald (1963) identified such behavior as a potential indicator of future violence toward humans. Early retrospective research on violent offenders and psychiatric inpatients (Felthous & Bernard, 1979; Hellman & Blackman, 1966; Wax & Haddock, 1974) supported the notion that a history of cruelty to animals is related to violent interpersonal offending. Cruelty to animals entered the *Diagnostic and Statistical Manual of Mental Disorders* in the revised third edition (American Psychiatric Association, 1987) as a criterion

for conduct disorder, the childhood precursor to antisocial personality disorder. Research since that time has substantiated animal cruelty as a risk factor for later offending, though to what degree, for what kinds of offenses, and through what mediating factors remain unclear. The body of research on sexual violence toward animals and the risk of interpersonal offending is even more limited and less conclusive.

In this article we review the history of animal protection law in the United States from its origins in the early 1800s. We summarize the research findings on animal cruelty and interpersonal violence, as well as bestiality and interpersonal violence. We assess the current body of law regulating both animal cruelty and bestiality. We identify significant gaps in knowledge pertaining to animal cruelty and bestiality as risk factors for future violence. Lastly, we propose a classification scheme of bestiality to assist both forensic examiners and researchers in their efforts to better understand the risk posed by individuals who engage in sex with animals.

2. Early animal protection law

The first animal protection statutes in the United States were instituted during the early 1800s. Limited contemporaneous records on the legal and societal attitudes toward animal cruelty remain from that time apart from the language of the statutes themselves (Favre & Tsang, 1993). The language of these early statutes did not, in fact, utilize the term “animal cruelty” and tended to focus on the malicious or willful destruction of another person’s domesticated animal. These statutes

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emphasized the view of animals as property, rather than sentient beings, in the United States at that time. Despite that, infractions of these early statutes could be treated as felonies. For example, in Vermont an individual could be imprisoned for up to five years or fined up to five hundred dollars for killing, wounding, or maiming a farm animal (Vermont Laws, 1846).

One of the pioneers of animal cruelty legislation in the 19th century was Henry Bergh. Bergh was an American diplomat based in England where he witnessed cruelty inflicted upon animals and the efforts of the Royal Society for the Protection of Animals to address the issue. Upon his return to the United States, he requested the New York legislature for a charter to establish the American Society for the Prevention of Cruelty to Animals (ASPCA) to provide a mechanism by which to enforce laws designed to protect animals. The charter was granted and Bergh became the first president of the ASPCA. His efforts led to the modification of numerous contemporaneous state laws on violence toward animals. This included the revision of New York's statute in 1866 and 1867, which introduced the term "cruelty" into the statutory language, expanded the list of potential punishable offenses against animals, and protected a greater breadth of animal species (New York Revised Statutes, 1866, 1867). Within years, numerous other states followed suit based on Bergh's legislative successes. Massachusetts, Pennsylvania, Illinois, New Hampshire, and other states subsequently established criminal anti-cruelty laws based on the New York statute and chartered their own Societies for the Prevention of Cruelty to Animals (Ryder, 1989).

3. Current statutory law

Since the late 19th century each state in the United States has adopted, amended and added to its own anti-cruelty statute. Most states rely on the same general conceptualization of animal cruelty in current legislation, specifically human conduct that inflicts pain and suffering on a non-human animal. In addition, the behavior must lack legal justification and not be a socially acceptable custom. Most states punish intentional acts of cruelty toward animals the most severely. Failure to provide basic necessities like food, water, and shelter, which can be considered acts of omission and neglect, are also typically punishable. Animal cruelty is a criminal offense, with the majority of cases resulting in misdemeanor charges and penalties of less than a year of jail time, a fine, or both. The vast majority of states also have felony provisions for aggravated acts of cruelty, such as the intentional mutilation of or infliction of pain or death on animals (Wisch, 2010).

Statutory law on animal cruelty differs, perhaps most strikingly, in the definition of "animal" adopted in the law. For example, California's anti-cruelty law specifies that its provisions apply to "any mammal, bird, reptile, amphibian, or fish" described further in the state's Fish and Game Code (California Penal Code, 2014). For a charge of animal cruelty in California, an individual may receive a misdemeanor or felony with or without a fine of up to \$20,000. Alternatively, Texas has maintained a more restricted definition of "animal" as only a "domesticated living creature, including any stray or feral cat or dog, and a wild living creature previously captured" to the exclusion of "an uncaptured wild living creature or a livestock animal" (Texas Penal Code, 2007a). Texas has a separate statute regarding cruelty to livestock animals (Texas Penal Code, 2007b), yet wild animals remain unprotected under state law. In Texas an individual would typically receive a misdemeanor charge, however there are felony provisions for individuals convicted of torturing or cruelly killing an animal; killing, administering poison to, or causing serious bodily injury to an animal "without the owner's effective consent;" causing two animals to fight; or using a live animal as a lure in a dog race.

Also notable about the current body of anti-cruelty legislation in the United States is the requirement for counseling present in over 50% of state statutes. The majority of states require that the convicted individual undergo some form of counseling or psychological evaluation, the

cost of which may be the burden of the convicted person (Animal Legal Defense Fund, 2014). Various models exist, though the first specialized treatment program, the AniCare Model of Treatment for Animal Abuse, is described as a cognitive-behavioral approach with interventions designed to improve a convicted animal abuser's accountability for his or her actions (Animals & Society Institute, 2014). There are no peer-reviewed studies on the effectiveness of such treatment.

Elsewhere we have summarized the legal standing of human-animal sexual interactions, commonly referred to as bestiality, in the United States (Holyoada & Newman, 2014). The first statutory laws prohibiting human-animal sexual behavior predated the earliest anti-cruelty statutes. Similar to general anti-cruelty laws, bestiality laws in the United States vary in the specific definitions of pertinent aspects of the law, such as the definition of the term "animal," if it is defined at all. Also similar is the relatively broad array of possible punishments, including mandatory psychological evaluation, in states that proscribe such behavior. A notable difference between these bodies of law is the relative uniformity of anti-cruelty legislation, which rests upon a generally accepted conceptualization of cruelty. In contrast, bestiality statutes prohibit widely variable sexual acts, which in some states are clearly defined and in others exist alongside proscriptions against sodomy between consenting human adults. The wording of bestiality statutes has been described by some as inflammatory and moralistic, notably different from the wording of statutes for other sex crimes (Ranger & Fedoroff, 2014). Similarly, the tone of bestiality laws in most states also differs from the less emotionally charged vocabulary of anti-cruelty statutes.

4. The Macdonald triad

One of the first mental health practitioners to discuss animal cruelty as a psychological issue was the psychiatrist Dr. John Macdonald. Specifically, Dr. Macdonald was the first psychiatrist to consider the possible link between animal cruelty and violence toward humans. In his article and speech *The Threat to Kill* (Macdonald, 1963), published in the *American Journal of Psychiatry* and delivered at the 1963 annual meeting of the American Psychiatric Association, Macdonald described his findings from a review of one hundred psychiatric inpatients who were admitted to the Colorado Psychopathic Hospital for making homicidal threats over a fifteen-month span. In his piece, Macdonald separated his subjects into two groups based on whether or not they were psychotic ($n = 48$) or non-psychotic ($n = 52$), with non-psychotic diagnoses including passive aggressive personality, sociopathic personality, hysterical personality, paranoid personality, neurotic behavior disorder, and mental retardation. In particular, Macdonald described some patients who were "very sadistic," including one patient who "derived satisfaction from telling his wife again and again of an incident in which he assisted in the birth of a calf by hitching the cow to a post and tying a rope from the presenting legs of the calf to his tractor," the result being that he "gunned the motor and eviscerated the cow" (p. 126). He claimed that "in the very sadistic patients, the triad of childhood cruelty to animals, firesetting and enuresis was often encountered" (p. 126–127), though he never explicitly stated how many patients had a history of these comorbid behaviors. Macdonald reported that within six months of his study, two patients killed a person, neither of whom he identified as having a history of animal cruelty (or enuresis or firesetting, for that matter), and that one patient with schizophrenia committed suicide.

The triad of the behaviors of enuresis after the age of five, firesetting, and cruelty to animals, later dubbed "Macdonald's triad," received substantial attention and follow-up research. Hellman and Blackman (1966) studied eighty-four prisoners remanded to an inpatient psychiatric unit that functioned as a court clinic. They divided their participants into those charged with an aggressive, violent crime against a person ($n = 31$) and those charged with misdemeanors or "relatively non-aggressive felonies" ($n = 53$) including child molestation. They

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