



RESEARCH ARTICLE

DISCERNMENT OR INTEGRATION COEFFICIENT AND DEGREE OF RESPONSIBILITY- PROPOSED MODEL FOR QUANTIFYING THE INTEGRATIVE MENTAL CAPACITY OF AN INDIVIDUAL

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ABSTRACT

Scientific language is supposed to be clear and concise. This is the reason why natural Sciences, in general, are expressed through mathematics and quantify their conclusions. Anthropological sciences, medical in particular, and of these, forensic psychiatry specifically use phenomenological descriptions. The quantification of a forensic psychiatric examination would generate language of maximum clarity and concision, lacking distortions from the way of thinking from the different types of experts dealing with such cases. The present paper proposes such a possible quantification model for the integrative mental capacity of the patient being evaluated.

INTRODUCTION

I. General considerations

According to the principle of unity of possibilities and criteria applied by the human mind to the various layers of society, a truth expressed in a given language must have a quasi-identical correspondent in another language. In this way one is connected to direct knowledge, in order not to be exposed to error (Bertrand Russel, 1995). Through evolution and specialization, various areas of knowledge have developed a specific language, which is more or less specific. In the dialogue between two or more disciplines, such as psychiatry, forensic medicine and juridical sciences, a set of common notional criteria is needed. It must lack ambiguity while transferred from one specialized language into the other so that to facilitate understanding among the participants to the discussion. On the other hand, the current state of human thinking and the stage of information management demand exact information circumscription and quantification, even in the case of humanities (Marie-Dominique Popelard and Denis Vernant, 1999). The notions elaborated by one science will be

handled by or impact another, sometimes decades later. There are situations in which a science picks up notions which another science conceived generations ago (Raymond Trousson, 1997). This is the case of the notion 'Alienatio Mentis' (Vasile Predescu, 1976), which was elaborated by Asclepiades of Bithynia (80 BC) and was picked up centuries later (long before the end of the 19th century) by psychiatry. Juridical sciences still use the notion, retaining its esoteric and ambiguous character. For psychiatry, however, the notion is completely futile, apart for its historical aspect. Thus, there are situations in which we deal with the aspects of the same reality, the same aware patient and at least three categories of interlocutors, with three different levels of expression and understanding. We have the common language with specific terms, even literary terms, at its most ambiguous and least operating in terms of understanding the phenomenon. We have juridical language, less ambiguous, and slightly more operative than the previous one but using terms at least three generations older than the specialized language. Therefore, we are dealing with three categories of speakers who use different terms, words and notions when referring to the very same patient. In this case, communication is difficult, implying a great degree of inaccuracy.

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In the area of mutual interest, the psycho-forensic-juridical dialogue, the pivotal notion on which this dialogue is centered

and the basic criterion is that of discernment. It implies awareness of purpose, means and consequences of an action as a whole, as well as the ability of taking implicit and undeniable responsibility. The notion is rather ambiguous, unquantifiable and subjected to interpretations and it presents several perplexities and moments of confusion to both the people who conduct the medical-legal study and to those who are to use the results of such study. These shortcomings were present for a long time. Therefore, in 1987, a national scientific meeting was called, in which Prof. Predescu proposed, based on older ideas, the notion of 'mental capacity' to be used as an operational instrument. It is a much more specific term than the notion of discernment, but still, quite ambiguous. It was inspired by the notion of work capacity, which was imposed by attorneys and is now popular in common, juridical and medical language. Professor Predescu's proposal did not find the right environment and the expected audience to impose. It did, however, point out the necessity of coining a term which could become an unambiguous, quantifiable and facile operational instrument for all psychiatrist, forensic doctors, and attorneys.

II. The specific framework of the problem

By starting from Professor Predescu's proposal for the term 'mental capacity', I will attempt the prospect of its development into a notion which is worth of becoming an operational instrument. Bearing in mind that the criteria of unambiguity, of holistic and quantifiable approach must be fulfilled, one possibility would be to structure the notional content on levels. This leveled structure would allow for a graded and quantifiable approach of the behavioral phenomenon (Florin Galdau, Statutul Juridic Penal al Bolnavului Psihic, 2013). Any behavioral act is an attempt to fit an individual's necessities into their peers' sensory and inter-relational environment. In its systemic significance, any behavioral act is a tendency to optimal integration from the individual, environmental and social point of view. Therefore, the behavioral act implies, among other significances, an integrative effort, regardless of how motivationally uninspired or altered it may be. Considering all the above, we propose the replacement of the notion of 'discernment', as it is felt to be too ambiguous, unquantifiable and erroneous, possibly with the operational notion of integrative mental capacity, which to be expressed by an Integrative coefficient, corresponding to a Degree of responsibility. This integrative coefficient could be the juridical correspondent of the degree of responsibility, which, expressed in percentages, could provide the attorneys with quantifiable information to be used accordingly.

III. Integrative mental capacity

The distinct and progressive levels of information processing and individual integration would be the following:

- The elementary level of integrative mental capacity (IMC.). It is the level of a person's awareness of being in the present.
- The perceptive level of IMC, which represents a person's contact with the material environment.
- The mnemonic level is the level of ongoing orientation of auto and allo-referential selection functions in time. It implies the presence of a person's present in their past.
- The logical quantitative level, which represents the boundaries of individual intellectual output, the intelligence quotient.
- The logical qualitative level, which represents a person's rational presence in their own existence, by creating meanings such as the argumentative pragmatic and programmatic anchors in the personal environment.
- The affective level is a reflection level, of circumstantial and propensive resonance, of strictly egoistic selection. It expresses the person's presence as an individual. At the euthymic pole, affection has only one level. At the pathological pole, it has two, to which we confer two levels of pathological integration. The dysthymia represents the negative, depressive resonance a person has with the world around. The hyperthymia represents a pathological level of maniacal type of resonance.
- The personological level is one of systemic synthesis of a person's totality of innate and internalized variabilities. It expresses the person's propensive presence.
- The axiological level, or morally axiological, is the level of individual subscription to superindividual existential meanings, of being part of a system structured on values. It expresses the presence and the worth of a person by the presence of culture and of being part of a group. This is a very important level as it can shift the blame, at least partially, from the individual to the group or to the formative background. The axiological level is a motivational one. For instance, the ability to steal may be a virtue among gypsies, while other groups find it unacceptable. Part of the moral blame here is not to be attributed entirely to the person committing the deeds. The charge is not integrally individual, even if the juridical bodies can only deal with individuals and laws. We must notice here the level of education as well.
- The level of characterful volition is the level of synthetic capacity, of stability of volition and motivational depth.

The moral and characterful dimension of existence can be, for both, individuals and society, at all significant times, more important than intelligence or other individual qualities. Actually, this is the dimension which is aimed at by justice, without pointing it out specifically. This level can be quantified by the practice of the fundamental perceptions of the person's cultural background and their correlation with the legal norms of the society he is part of. For Christians, for instance, the 10 commandments are criteria with sufficient certainty and selectiveness. From the moral to the elementary sphere, each level comprises the previous. One cannot attain one level without having completed the previous one. These levels enable the establishment of a global score as well the limitation from simple to complex, and, at a given level of individual integrative capacity, the establishment of an integrative coefficient expressed in percentages from a non-pathological total. The specific individual level and the global score must be corrected by the possible intermittence of the IMC good functioning. Epilepsy, affective psychosis both imply a totally or partially intermittent evolution of IMC. The presence of this intermittence requests the interpretation of IMC at the moment of the act, according to individual's phase, specific for the disease (within crisis or after/before it). Another correction for the IMC is the contextualization of the social background of the doer and of the act. This is not a clearly quantifiable factor, as it can add to or diminish the blame. Simply speaking, for the social background of the act,

during war, the officer's negligence has a different significance from the soldier's negligence. During peaceful times, the theft and deception committed by a minister have different consequences from the theft of a deceiving guard from the wood deposit. Also, by contextualizing the psychological pressure of the deed, we can contribute to a more exact definition of the doer's IMC. There is a huge difference between the deed of a person who has been talk down to for, say, a year and who finally explodes and breaks somebody's legs and a person who beats somebody up just for the fun of it. The 13 levels and their corrections can be expressed in Table 1. They refer to the moment of committing the act.

Table 1. The 13 levels of information processing and individual integration

The level of integrative mental capacity	Marks			Observations
	A	B	C	
1.Elementary level	70	0	-70	
2.Perceptive level	60	0	-60	
3.Mnestic level	50	0	-50	
4.Quantitative logical level(intelligence)	40	0	-100	
5.Qualitative logical level	40	0	-250	
6.Negative hyperthimic affective level	30	0	-30	
7.Positive hyperthimic level	30	0	-30	
8.Personologic level	20	0	-20	
9.Moral-axiological level	10	0	-10	
10.Volitional – characterial level	20	0	-20	
11.Intermittence of pathological and integrative level	30	0	-30	
12.Contextuality of status	20	0	0	
13.Contextuality of psychological pressure	0	0	-20	

IV. Terms and scores

For the Scores, incolumn A we imply the existence of that level in certain non-pathological limits. As for the moral axiological level, we include here (A) the deeds related to the existential motivations of the groups the individual is part of. In a tribe of cannibals, none of the members can be accused of abnormal behavior and it is easy to see that the way they act does not represent any individual abnormality but a cultural consequence. Column B points out the presence of a boundary between pathological and non-pathological and column C points out the clear presence of the pathological aspect. By elementary level, we mean the state of awareness and clarity. By mnestic level, we mean long-term and intermittent mnestic modifications. By perceptive IMC we mean normal perception and qualitative perception disturbances. There are two categories for logical IMC, given very important role the logical functions play in the awareness of the value of a behavioral act, as meaning and consequences. We mark 40 points here for the presence of normal intelligence, 0 for the bottom limit of intelligence, and -100 imbecility of I degree, with -200 imbecility of II degree etc. There are two categories for affective IMC, given the essential role the affective plays in the establishing and functioning of the existential motivations and behavioral reactions. The lack of affective resonance has very little contribution to the motivation of behavioral reactions; it may contribute to the schizophrenic demotivation, but in this case, diagnosis and low level of IMC present more valid arguments.

At the personality level we mark both the score and the possible pathological personality type. At the axiological level we mark the accordance or non-accordance between the deed and the values of the larger groups the doer belongs to (ethnicity, religion, cultural background). Character-wise, we mark the presence or absence of antisocial acts and attitudinal

variations for sheer efficiency reasons. We must also mark the presence or absence of suggestibility. As we have a motivational decisional level, we must mark the ratio between the decision to act and the education level. Considering the technical evolution, this will be the trickiest problem for the future – a mob of unexperienced and uneducated peers knowing what happens in case of computerized intervention. Pathological and integrative intermittence refers to epilepsy and affective psychotic intermittences, including atypical periodical psychosis. We must also mark here the non-periodical pathological intermittence, strictly dependent on the chronic abuse of toxic substances (alcoholic epilepsy,

alcoholic delirium, alcoholic hallucinations etc.). The presence of responsibility for a larger or smaller group confers positive marks, meaning guilt. On the other hand, the presence of contextual psychological pressure confers negative marks. The marks are obviously given conventionally, with debatable arguments, but bearing in mind the importance of the pathological significance of the given level of the person's capacity for integration in their natural, psychological and worthy environment. By summing up these marks, we arrive at a general score, which is 420 points for the sane, not guilty person (100%). The score of a person under scrutiny can be correlated to 420 (the sane person's score) by using percentages. The resulting percentage represents the integrative coefficient of the person in discussion. Juridically, this integrative coefficient can express the degree of responsibility. We believe that all corroborated aspects-diagnosis, integrative coefficient, intelligence quotient and motivation of deed- can become an informative set which is sufficiently guiding for a judge to appreciate a case. I consider that an integrative coefficient below 50% is the equivalent of lack of responsibility for a person's actions. This expertise model – psychiatric expertise model using IMC as assessment tool can be processed by computers, and from this point of view, it surpasses the descriptive models.

V. Conclusions

- We can draw up models of psychiatric forensic expertise which are more informatively accurate and more quantifiable than the current methodology.
- The model presented here would need to be accepted as methodology of action by doctors and as a means of communication by legal experts.
- After that, the IMC model would require validation on a sufficiently large casuistry so that critical conclusions can be drawn.

REFERENCES

Bertrand Russel, *The Problems of Philosophy*. 1995 Romanian edition – All Publishing House, 89.

Florin Galdau, Statutul Juridic Penal al Bolnavului Psihic (si comparative al minorului) in Dreptul Istoric Romanesc (*Juridical penal status of psychiatric patients – and minors, comparatively- in historic Romanian law*) in G. Cornutiu

(Ed.) – *Capitole de istorie a psihiatrie iromanesti (Chapters of Romanian history of psychiatry)*. 2013 Universitates din Oradea Publishing, 90.

Marie-Dominique Popelard and Denis Vernant, *Les Grands Courants de la Philosophie des Sciences*. 1999 Romanian edition – Inst. European Publishing, 99.

Raymond Trousson, *Histoire de la Libre Pensee - des Origines a 1789*. 1997. Romanian edition – Polirom Publishing, 12.

Vasile Predescu, *Psihiatrie*. 1976 Editura Medicala, 18.
