



Gambling addiction: forensic and medico- legal aspects

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Addiction without drugs : to what extent the addictive behavior disrupts social life ?

- Addiction without drug, concept elaborated by the psychoanalyst Otto Fenichel, 1945
- « impulsive neurosis vs compulsive neurosis »...

The pathological gambler is addicted to a 'product' which is not illegal, however financial consequences frequently lead to legal problems

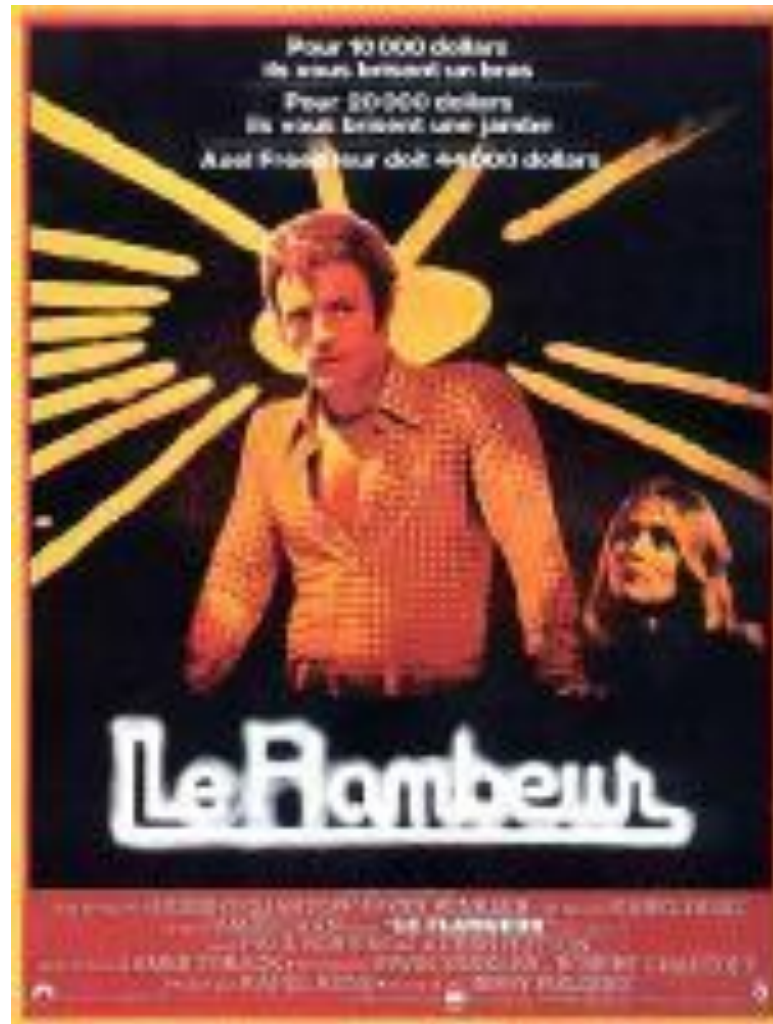


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Is everyone who gambles a « gambler »??

EDMUND BERGLER the psychology of gambling, 1957

- 1/ The G habitually takes chances, always in action (cf James Caan in the beginning of the movie The Gambler, by Karel Reisz)
- 2/ The game precludes all other interests
- 3/ “Pathological optimism” (in the gaming field)
- 4/ Never stop when winning
- 5/ Despite initial caution, the G eventually risks too much
- 6/ “pleasurable painful tension”, a mysterious thrill is experienced during the game



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Progression of addiction gambling

- According to the American psychiatrist Robert Custer, the progression of gambling addiction includes three phases
- the winning phase (big win)
- the losing phase (the 'chase': chasing their losses, wanting to return to gambling directly after a loss with the hope that they can win the money back)
- the desperation phase (putting forward psychiatric and medico-legal complications). The gamblers may begin to engage in illegal acts in order to have gambling money. They may also turn to psychoactive substances addiction like alcohol or drugs...

Losing and desperation phases

- In the second phase, the losing phase, the gamblers become isolated by their gambling and their debts become a problem. These gamblers start chasing their losses, wanting to return to gambling directly after a loss with the hope that they can win the money back.
- Desperation Phase, 3rd phase, The gamblers may begin to engage in illegal acts in order to have gambling money. They may also turn to psychoactive substances addiction like **alcohol or drugs** (to counteract the helplessness they feel), experiencing the legal complications associated with drug addiction ...

Typology of Pathological Gamblers

- Moran, 1970, in addition to the psychopathic and neurotic types, identified three others PG types, the 'impulsive', the 'symptomatic' and the 'subcultural'
- A Blaszczynski and L Nower (2002) three subtypes, impulsive (transgression, sensation seeking), emotional (gambling as anxiolytic or antidepressive) and game of habit (like the subcultural type of Moran)

Financial and legal consequences of Pathological Gambling (1)

- **SOS joueurs in France, 1993, exploratory study, the majority had serious debts and 20 % offenses like embezzlement, fraud, theft and counterfeiting**
- **Confirmed by larger scale American studies, notably Custer, according to whom, 1 Gambler out of 4 , is sooner or later confronted with the law (penal and civil matters)**
- **Social damages such as loss of work (Ladouceur, 25 to 33 % in a sample of Gamblers Anonymous**

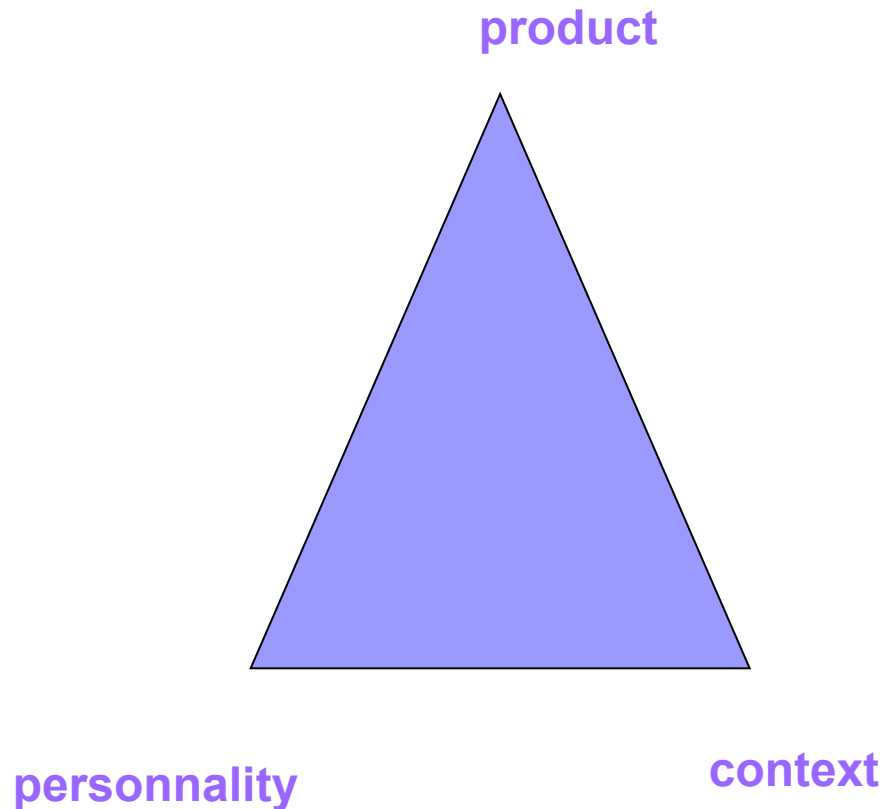
Financial and legal consequences of Pathological Gambling (2)

- The link between delinquency and compulsive gambling is complex:
- 1/ « acquisitive delinquency », apparition of a delinquency with the intention of getting money to continue to gamble
- 2/ Delinquents who become gamblers after a 'big win'
- 3/ Underground way of life, an intersection between gamblers and shady characters
- 4/ In terms of psychopathology, a funny way of manipulating the law (connection between money games and breach of trust)



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Olievenstein tripartite model for drug addiction



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Medicolegal complications of gambling as an interaction of different factors

- In terms of clinical course
- In terms of personality (cf. typology of gamblers)
- In terms of ... addiction as such

In terms of the addiction process itself, as defined by Aviel Goodman

- A process whereby a behavior, that can function both to produce pleasure and to provide escape from internal discomfort, is employed in a pattern characterized by
- (1) recurrent failure to control the behavior (powerlessness) and
- (2) continuation of the behavior despite significant negative consequences (unmanageability).
- Goodman, A. 1990. *Addiction: definition and implication* British Journal of Addiction, 1990, n°85, pp. 1403-1408

The logic of the addiction

- **If excessive gambling is really an addiction then medico-legal complications seems quite inevitable**
- **The logic of the addiction dramatically impacts the lifestyle of the gambler**