

THE CRIMINAL TRIAD



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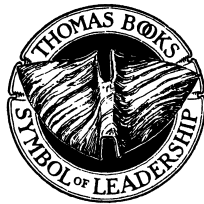
Psychosocial Development of the
Criminal Personality Type

By

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For Zoe and Zander

PREFACE

It seems that every young police officer doing time on the midnight shift finds a way to deal with the extreme boredom of those few hours between the time when the drunks finally go to bed and the early risers speeding off to their jobs start crashing their vehicles. For me personally, nearly 30 years ago, that time was typically spent contemplating in behavioral terms the craziness I had just witnessed and participated in for the better part of an eight-hour shift. As a young psychology grad student by day, I found it fascinating why some fell to the temptation to engage in criminality, while others under similar circumstances did not. It seemed that if I could find that mysterious place where criminality and self-deterrence meet, perhaps then a roadmap to the effective mediation of a criminal propensity in its pre-developmental stages would begin to unfold. And so my notebook became a confused mix of witness statements, crime details, stolen vehicle information, and intermixed throughout, random thoughts and ideas about the mysteries of human behavior and motivation.

Today, as a police commander who hasn't seen a midnight shift in decades, and a professor of psychology who endeavors to teach the concepts of criminal and forensic psychology to a new generation of students eager to continue the search for answers, I have been able to coalesce my thoughts and ideas into the subject of the present text, *Criminal Triad Theory*. It's not a new theory per se, but rather a way of looking at existing theories in a new and unique way. It provides a new model for understanding the psychosocial development of a criminal propensity that combines various aspects of the theories of Freud, Erikson, Bandura, and Kohlberg, among others. As much as it attempts to enlighten our way to a fuller understanding of exactly why people commit crime and other socially-deviant acts, it also endeavors to provide a better understanding of why others, when confronted by

similar temptations, choose not to. By providing such a template to lay atop the mind and behavior of a developing child, it is hoped that a budding propensity to engage in deviance can be identified and mediated while effective mediation is still possible.

So what follows is a set of ideas that invites further study and research. They were not developed by manipulating variables in the laboratory of a university, but rather by actually being one of the variables in the oftentimes chaotic laboratory of the street. By observing life at its worst, I came to better understand life at its best. Deviance illuminated normalcy, and the causative leap from one to the other became clearer. I could see the principles of the great psychotheorists unfold before my eyes, and also where those principles are flawed or incomplete for our modern day. In the hopeless eyes of a drug addict, the empty eyes of an egregious offender, and the helpless and vulnerable eyes of a victim, I came to learn more about human behavior than I could ever hope to achieve in the classroom. It is my hope that in the pages to follow I have effectively articulated what I have learned, and that the inquisitive minds of those young people following after me are ignited with an enthusiasm to begin their own journey to understand the mysteries life has to offer, and to discover the treasures that await those with the courage and wherewithal to stay with the search.

WILLIAM HARMENING
October, 2009

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THE CRIMINAL TRIAD

Chapter 1

THE EVOLUTION OF CRIME

For as long as Man has been aware of his own conscience he has established rules of conduct for the members of his social group. These rules in fact became necessary in earliest times to insure the very survival of the group. They were designed to establish a dominance of the will of the collective over that of its individual parts. In prehistory the rules no doubt pertained to the gathering and protection of a food supply, standing guard against predators and aggressors, and the selection of a mate; all critical to the continuation of the group and its species. But as society became more complex, so too did the rules. Suddenly there were rules designed to protect the sovereignty of lands; to force obedience to moral and religious standards; and to guarantee the continued subservience of the masses to the ruling elite. The will of the overall collective had taken a backseat to the will of the majority, and in some cases, especially during the barbaric Middle Ages, even the will of a ruling minority. The glue that held society together had shifted from communal standards designed to benefit all, to a system of codified rules designed to protect the interests of those who created them.

Regardless of who made the rules, the greatest threat to the social order they protected were those who violated the accepted rules out of their own self-interest, or the interests of a sub-class within the group. At one extreme were individuals who violated the rules for a multitude of self-motivated reasons; and at the other, organized bands who did so either to promote a revolutionary cause, in theory for the benefit of the larger social order, or to satisfy their own taste for economic wind-fall. Those who did violate the rules were met with a system of punitive measures commensurate with the crimes they committed. In time,

these measures too were codified as an addendum to the established rules in an effort to deter criminal activity by making it clear the fate that awaited those who acted in deviant ways.

CRIME IN ANTIQUITY

This concept of reciprocal justice, known as *lex talionis* (“eye for an eye”), can be found in its earliest form in the Code of Hammurabi, and later in the ancient laws of Judaism. What it accomplished was to take retribution out of the vengeful hands of the victim, and place it under the objective control of the ruling authority. Notwithstanding the centuries of inequitable justice administered by unenlightened and brutal governments around the world, the intent of *lex talionis* was to match the level of punishment to the crime, and to bring some sense of civility to the administration of justice in an effort to maintain public order.

What talionic justice further accomplished was to begin the process of codifying criminal deviancy, thus clearing a pathway to the contemplation and study of criminality by defining its requisite acts and behaviors. In the Code of Hammurabi, commissioned by King Hammurabi of Babylon in approximately 1750 B.C., there are 282 provisions, each spelling out a specific violation of the written law and a corresponding punishment. The violations include such deviant acts as murder, kidnapping, and robbery, all *mala in se*, or acts that are evil in themselves, in addition to acts that are violations only because the ruling authority deemed them as such, or *mala prohibita*. The latter category includes such things as allowing sheep to graze in a field without permission, allowing irrigation water to overflow and flood someone else’s field, and a prohibition against a woman leaving her home while her husband is a prisoner of war so long as there is sufficient sustenance in the house.

In ancient Judaism we also find some semblance of talionic justice. One need only consult the first five books of the Old Testament, the *Torah*, to see the development of a Hebrew system of justice based on standards of righteousness and equitable retribution. These principles, or the *Mosaic* law as they came to be known, became the defining criteria for deviancy in ancient Judah. Many of the provisions are as absurd by modern standards as certain of those found in the Hammurabi Code, with prescribed punishments equally as brutal. For

example, execution was called for not only in the obvious case of murder, but also for less obvious crimes such as cursing parents, homosexuality, and adultery. With the Mosaic law we have one important factor that sets it apart from Hammurabi's secular Code; rules and penalties purportedly promulgated by God, thus making them infallible and beyond questioning.

While by modern standards the punishments called for in the Code of Hammurabi and the Mosaic law are barbaric, inequitably applied, and in some cases downright nonsensical, by the standards of the times in which they were constructed they were considered normative, and therefore they give us a picture of the criminal personality type in antiquity. By defining the outer boundaries of socially acceptable behavior, these codes also defined the inner boundaries of social deviance. They are among the earliest examples we have of a society creating a separate class of people based on behavioral criteria. Prior to these codifications of the rules and their corresponding punishments, justice was administered by anyone with a vested interest in revenge, and retribution was doled out void of any clear standards for either the crimes or the consequences. It was not until the Code of Hammurabi, and others like it, that a discernable personality type (i.e., the "criminal") emerged for society to identify, contemplate, and confront. And so began the precarious dance between social convention and social deviance that to this day serves as a layer of thin ice upon which public order is maintained.

Man has always contemplated the nature and causes of his own aberrant behavior. It has fascinated writers, artists, philosophers, and theologians for centuries. They have all attempted to understand it within the framework of their respective disciplines. The great philosophers of antiquity—Socrates, Plato, and Aristotle—all made a noble effort to understand criminality. For Socrates, as documented in the years following his execution by his student Plato, evil is the result of not fulfilling and actualizing one's true nature through the pursuit of knowledge. Knowledge of one's inner self leads to goodness, which in turn leads to inner peace and happiness, a state of being wholly incompatible with evil-doing. So for these great philosophers of ancient Greece, criminality is a function of cognition. We act as we think, and if we turn our thinking inward and allow our true nature to be discovered through the pursuit of knowledge, it will invariably guide us down a path of virtue, and away from a path of deviance. While this