



The Principle of Legitimacy

By Ines Aubert

Based on Frank Urbaniok's book "Was sind das für Menschen – was können wir tun" – "What kind of people are these - what can we do" (Zytglogge, 2003,)

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In his book, Frank Urbaniok explains the situation that every offender, at the time of his offense, feels he has a legitimate reason for doing it. He never feels himself to be a dangerous criminal; rather he feels the deed is legitimate, given his life experience.

According to Urbaniok, the human psyche is made up of: **Cognition, feelings und perceptions.**

Cognition consists of thinking processes like thoughts, convictions and patterns of belief.

Feelings are emotions like anger, mourning, fear and other feelings.

Perceptions are insights from information signaled by direct sensory and body contact.

People do things that seem appropriate and right on the basis of a mixture of cognition/thoughts, reactions/feelings and perceptions within their psyche. Urbaniok gives the example of a man who, seeing a flower stand on the way home, thinks about whether he should stop there and buy his wife some flowers. There are three factors involved in his thinking process: the idea of doing something good, of pleasing his wife, but also the additional loss of time which the stopping would involve, as well as the thought of getting out of the car into the cold. Only based on his individual, overall way of thinking will it become clear whether he buys flowers or not, whether he considers the deed worthwhile or not.

Urbaniok further develops this idea by placing the flower stand on the opposite side of the street. That way the man would have to drive across the middle line of the street, an unlawful act, to get to the stand. An inner psychological dilemma would ensue. His decision depends on his personality. Perhaps he now has a negative attitude towards the whole idea and therefore doesn't buy flowers. However, it's also possible that he still thinks it's still a good idea and does buy flowers.

With this simple example, Urbaniok illustrates an important principle: **legitimacy comes before legality.**

The man is aware that it is unlawful to drive across the middle line, but he considers his personal reasons for buying the flowers important enough to legitimize this minor offense.

Urbaniok says that legality (legal regulations) is one consideration in the entire thought process, just like all the other factors. That means that the law appears within the psyche on the same level as thoughts, emotions or perceptions do, but does not play a more important role than the others.

It is possible however, that for some people, the law rarely, or even never, plays a role in their thought processes.

Urbaniok concludes:

An offender commits an offence because it is a legitimate act for him. He may possibly realize that what he is doing is against the law.

Examples:

A pimp rapes a prostitute. For him it is not an unlawful act, but rather a legitimate punishment. A man sadistically torments women. No one has ever meant anything to him, and in addition, he feels pleasure in tormenting them. This is enough to legitimize the act (something that gives me that much pleasure is worth doing!) A man becomes so angry that he kills three people. He knows that it is unlawful to kill people. But for him, these three murders are a legitimate answer to the incredible anger he has felt within himself since childhood.

Of course Urbaniok does not stop there. Actually, that's where he begins. When it becomes clear where a person gets the idea of legitimacy for a crime from, work can begin. For Urbaniok an important factor for preventing future crimes is to shake up or change the basic motivation of an offender.

Urbaniok's ideas have made me think a lot. I can think of many minor, everyday situations in which we legitimize our actions. Minor traffic transgressions, taking public transport without paying, having an extra-marital affair. Doesn't the same thought process exist here, the same principle of legitimacy? Actually, it's not allowed, but...

Our own personal background, our inner-psychic make-up, as Urbaniok would call it, permits us, in this special situation, to do something unlawful, or against accepted rules.

Interesting is also the fact that Urbaniok speaks about a psychic make-up, or mixture. I try to imagine what would happen if the inner-psychic make-up were made of only one component: the blind obedience in World War II might be an example - did that demonstrate the existence of only one factor, in this case the law (given orders) and the total lack of cognition and emotion?

There are people who want to know how someone feels while he/she is committing a heinous crime.

Could it be that, according to Urbaniok, we will never be able to answer this question because nobody commits a heinous crime, but only a crime which seems to be right at the time? Perhaps it is so, that the crime is only considered heinous by the victim and third parties, but never by the offender himself?

Perhaps we can observe minor offences in our own actions; these offences don't even have to be unlawful. It could just be something rude or inappropriate and we find ourselves going through the same questions of legitimacy. I believe that careful consideration of such thoughts could lead us all to an exciting journey of discovery...

About Frank Urbaniok, Switzerland:

Dr. Urbaniok, specialist for psychiatry und psychotherapy, therapist, advisor and renowned expert, is also well-known in the media. His public appearances, lectures, courses and different publications are highly respected both locally and internationally.

Frank Urbaniok is considered to be the foremost expert on sexual and violent offenders. He has specialized in modern methods of treatment (to prevent offenders from repeating crimes) and how to better judge danger.

The psychiatric-psychological section of the Department of Criminal Justice in the canton of Zurich deals yearly with more than 1000 offenders. Through his expertise and unconventional, pragmatic theories and methods, Urbaniok has done much to influence the development of new forms of thinking about society throughout Switzerland. There are no simple solutions. Opinions are varied. But there is more that should be said besides what we hear in daily news reports.

For this reason, Frank Urbaniok has produced this book, which gives a clear picture of his ideas on how to help perpetrators of sexual and violent crimes.