

**Criminological anthropology during the  
dynamic integration of scientific knowledge**  
(Based on the records in the Republic of Kazakhstan and  
the Russian Federation)

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One of the controversial questions in criminology in the Republic of Kazakhstan and the Russian Federation is the definition of the subject and the validity of the methodology of criminological anthropology, which has both theoretical and practical importance. Criminological anthropology identified the subject and the methodology in the process of its formation and development. But they became the cause of many scientific discussions and polemics. This is due primarily to the following historical factors:

- 1) criminological anthropology branched off not from the law but from psychiatry, its modern interpretation is the result of a long scientific integration;
- 2) the law for a long time, if not since the appearance of the first books on criminological anthropology accepted dominating public opinion, accusing it of being monodisciplinary and unilateral. It was the fact that gave a powerful impetus to formation and development of the science.

For example, in the late 19th century A.F.Koni treated the subject of criminological anthropology very skeptically, saying "in this doctrine we must take only valuable practical discoveries. But lawyers, who cherish moral ideals of the state and human dignity, must arm themselves against the conclusions and even against basic provisions of this doctrine, relegating justice to a man hunt using anthropometry." According to V.D. Spasovich, "not only all the features of criminal are controversial, but even the explanation given by the anthropological school to origin and the continued acquisition of the criminal, is very doubtful, and even fantastic. The founder of this school Caesar Lombroso is not a lawyer or a sociologist, he is only natural scientist, moreover he is one-sided, monodisciplinary, or monoconceptual".

Thus, since its formation, criminological anthropology was swept over by a huge wave of sometimes unjustified criticism, the essence of which was that the criminological anthropology was only the recognition of heredity, atavism, and special anthropometric data of a

criminal as the cause of committing crimes. At the same time, this trend continued during the Soviet period of development of Criminology.

For example, A.M. Yakovlev also accused representatives of criminological anthropology of the limitations and pseudoscientific ideas noticing that « attempts to explain criminal behavior by a single reason were done before and after, Lombroso's theory of the "born criminal" appeared in the press in 1897. Atavism followed by degeneration and epilepsy, being accepted as the only or main cause of crime. They in turn were followed by mental disability and then mental illness and a traditional psychiatric explanation - the psycho-analytic concept of criminalization of personality "due to sense of guilt."

In our opinion, no one could respond to all the criticism that had been sent to the subject of criminological anthropology, so successfully and subtly, as the founder of this theory, Ch.Lombroso: "First of all, I have to respond to extensive criticism, aroused by the study of this new discipline, the size of criticism itself serves as a proof of real importance of criminal anthropology ". We can say with confidence that this very problem: the problem of responding to a huge wave of criticism addressed to criminological anthropology, which lasted nearly for a century, predetermined and caused the modern interpretation of the subject and methodology of criminological anthropology, and, new views in Criminology developed as a result of this controversy.

Indeed, despite the ideology of the time, there were views that criminology developed under political pressure and ideological orientation was inherent in it. On the basis of studies of murders and violent crimes, E.G. Samovich states that the fact that no one has managed to find out a specific determination of murders does not indicate its absence, but: a) lack of adequate theoretical concepts of the mechanisms of generation of specific forms of human behavior b) methods used for the study of special causes of premeditated murders are inadequate their subject, c) that ideology dominates in this case, but not scientific criminological concept of the absence of specific determinants of criminal behavior (compared to the law-abiding) and features of the perpetrators of the crime.

If many authors consider criminology as an interdisciplinary science, a subject and a complex branch of preventive law, in our opinion, it is, above all, the merit of criminological anthropology. Modern criminology has its roots in criminological anthropology; this very fact determines the interdisciplinary nature of criminology, as well as its subsequent development. The emergence of criminology as an

independent science is directly related to the anthropological school of criminal law. Criminology branched off from the criminal law due to the valuable works of the representatives of this school. These works include works of Ch.Lombroso "Crime" and "Criminal anthropology" (later published in Russia, "Recent progress in science of the criminal", 1892), "Anarchists" by E.Ferri , "Criminal Sociology," and of course, "Criminology" by R.Garofalo.

It should also be mentioned that the current paradigm of criminological anthropology that appeared in the second half of the 19th century as an anthropological school of criminal law has repeatedly changed approaches and methodological framework, but its subject, personality of a criminal, remained and still remains unchanged.

Historically it happens so that criminological anthropology served as specific response to limited dogmatic classical school, which was practically not taking into consideration the personality of the criminal when considering the crime. Thus, in the second half of the 19th century, it became apparent that the criminal law based on the theories of the classical school, which ignore the social conditions and the reasons for the existence of crime is not able to restrain the growth of crime, so it was necessary to develop a new approach to solving these problems. "We have translated the word" criminal anthropology" as "the science of criminals". One might argue that the science is a systematic knowledge arising from the immutable principles, and that criminal anthropology cannot therefore be called a science because it has not yet discovered immutable principles and its system is not developed. There is no doubt, however, that criminal anthropology has its own immutable principles which will be discovered. For us, lawyers, Lombroso's merit is that he indicated new ways to study of criminal law ... "

This conclusion made more than a century ago and is still important nowadays, because at the present stage of the development of criminology phenomenon of personality has been actively studied but so far the world criminologists have not unambiguously decided if the phenomenon of identity of the criminal has the right to exist in criminology. Criminologists were even more puzzled by the question if there were any archetypes or identity of criminals and how to describe identity of perpetrators of economic crimes, such as M.B. Khodorkovsky and if participants of Pussy Riot were criminals or not. What are the social implications of the concept "criminal personality"? The factors questioning the possibility of constructing theories of personality are also explored.

In this issue concern A.M. Yakovlev, who asked the following question: "If a person is born a criminal, according to this theory, what is the point of proving whether he is guilty or not and what is his fault?" is also relevant. He says, that it is enough to prove that a criminal is dangerous but who, however, will prove it. Of course, the one (or ones) who holds the instruments of power. Who is first of all dangerous, from their point of view? The one who threatens this power. "

Meanwhile, due to the theoretical and practical works of such luminaries, investigating various questions of personality as Ch.Lombroso, E.Ferri, B.Gomberg, I.S.Noy., J.M. Antonian, EG Samovich, E.F. Pobegailo and others, sufficiently developed school, studying personality theories in criminology was formed, which we risk to call criminological anthropology. The following studies were recently conducted In this area.

- 1) Criminological anthropology in its development linked criminal behavior primarily to the individual data of the criminal, hence its multifaceted nature, which covers criminal-psychological and sociological essays and psychiatric works. As a result, the issues of individual have been the object of study of many disciplines such as legal, social, and medical, in general natural sciences. Thus, many disciplines for a long time could not decide on object of criminological anthropology and some authors considered it part of the various disciplines. It is interesting to view the opinion of N.A. Kornetova, who pointed out that anthropological wave that occurred at the intersection of criminology and psychiatry relates to the name Ch.Lombroso: «It was Lombroso who created a synthetic source, which developed a holistic view of human vices, follies, genius, deriving thus open space for particular sciences in anthropology science of somatic-psychic variability of human qualities. Over time, it took shape of the criminal anthropology and anthropological school of criminal law. Criminal Anthropology allowed approaching the problem of crime from the point of view of natural sciences and sociology, clearing it from the metaphysical constructions. "
- 2) In the last century, genetic studies have yielded some results on the issue of determination of crime by heredity to a certain extent. For example, V.P.Efroimson made a summary table of crime rate of the second twin, if the first was a criminal, based on nine specific studies. It was found that the frequency (concordance) of criminal behavior of identical twins is much higher (63%) than those of fraternal twins (25%). Therefore,

the total contribution of heredity is large, which confirms the value of bio-criminological research.

- 3) Criminologists and psychiatrists in particular, exploring the identity of criminals and criminal behavior, have long paid attention to the fact that some of them, especially sexual murderers and thieves are in psychological dependence on their own criminal behavior, that is unable to fully or partially control, direct their behavior or manage it. They are dependent on themselves, their usually unconscious drives, emotions and instincts. Some of them are irresponsible. This view was reached by the authors on the basis of extensive empirical evidence on the people, taken a comprehensive psychological and psychiatric examination at the State Research Center for Social and Forensic Psychiatry named after V. P. Serbsky (Russian Federation). Also the results of the psychological study of criminals sentenced for crimes of serial character were used.
- 4) With reference to widespread today terrorist offenses it can be firmly asserted that psychological and psychiatric information on the identity of the terrorist is essential for solving many practical problems in the operational-search activity, investigation and prevention of terrorist crimes. On this occasion, Y.M. Antonian says, "according to most researchers, the terrorists do not constitute a specific diagnosis-psychiatric group. Although some studies presented certain number of them - from the normal type to a psychopath, most of the comparative studies found no apparent mental disorder in most cases. However, people who step on the path of terrorism are often people with particular personal predisposition, which, as we shall see, would not lead to any adverse effects without influence of the microenvironment. "
- 5) A series of studies of the theoretical and applied aspects of criminal behavior of perpetrators of series of murders and rapes were done, and on this basis, the scientific and practical recommendations to combat this phenomenon were developed.
- 6) There are researches that say that murder has no external motivation; it cannot be justified by any external circumstances (though those can almost always be found). It has purely subjective motivation, the essence of which is not to achieve specific objective results, but to overcome their "unnatural" position in life.

- 7) In order to improve the investigation of complex criminal cases, new forms and methods of operative - investigative work where the development of a psychological portrait of the criminal is an essential component are actively developed and introduced. Investigators came to the conclusion that the criminal is often so encoded in the features of the event (the traits) and the circumstances of the crime situation, that their interpretation and the establishment of searchable attributes demands application of special methods of knowledge as "keys." Their definition is an actual problem of the latest trends of legal psychology among which is the development of the technique of drawing up of psychological portrait of criminals. "The essence of the main difficulty often encountered in the effective work on specific cases is the lack of such information on the perpetrators, which could form the basis of versions and productive lines of inquiry and investigation." Thus, the national practice of crime investigation has already confirmed the feasibility of using psychological portrait.

This list can be continued on, but it seems appropriate to briefly generalize my own position on this issue not claiming to finite knowledge.

1. Any scientific discipline or theory goes through a completely natural reinterpretation of previous stages of its development: some areas are updated, traditional views are revised, new ideas are put forward, data from other neighboring sciences is drawn on and attempts to create integrative system of knowledge using new discoveries, techniques, etc. are made. In our view, this is all very characteristic of modern criminological anthropology, when more or less ingrained traditional beliefs collide with new views, new interpretation of the accumulated facts. This process, known for its costs, as a rule, is enriched by the interaction and exchange. Everything of value is included in the research and practice and secondary is discarded.
2. The emergence, formation and justification for any new trend or the border science, together with a certain methodology, guidelines and research object must have its own zone of contact with other neighboring disciplines, and also be based on their main method of investigation. In this respect, in the study of issues of personality, modern criminological anthropology is formed at the intersection of medical science, anthropology, psychology, genetics and law.

Probably we need to treat integrity, not as something imposed from the outside, because it is immanent in every field of knowledge. It is also important humanitarian, philosophical, psychological, or natural science foundation, which prevents the researcher from slipping into the particular problems of specific area of knowledge. In the complex of legal sciences, especially in tandem of Criminal Law and Criminology it is particularly important to emphasize this position, because of its high specialization and differentiation.

3. During global and dynamic integration of scientific disciplines, modern criminological anthropology emerged as a paradigm, which examines individual-typological variability of criminal and psychobiological characteristics of offender in relation to the social environment to assess their criminal legal, predictive and preventive value. According to modern criminological anthropology, causes of crime will be determined by the fact of internal interaction of biological, personal and external environmental factors with the properties of the individual offenders at different hierarchical levels of their organization.

In this regard, prognostic study of this system due to comprehensiveness and complexity of structure and function, determines the need for a systemic approach, and calls for further joint work, the efforts of scientists in the fields of law, genetics, psychology, and medicine.

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