

# COMPREHENSIVE CRIMINOLOGY - A TELEOLOGICAL AND HERMENEUTICAL PERSPECTIVE ON CRIMINAL BEHAVIOURS

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## **Abstract:**

COMPREHENSIVE CRIMINOLOGY elaborated by George C. Basiliade (*Comprehensive Criminology*, Expert Publishing House, 2006, 903 pages, Romanian Academy Award, 2006) represents not only an encyclopedic treatise, unique in the Romanian specialised literature but also an original conception of the epistemology of crime, unique in the European and global thinking. Unfortunately, this work remains insufficiently known and barely integrated in the circuit of academic values. Our analytical approach proposes revealing some of the original operational concepts introduced by George C. Basiliade in the deconstruction and reconstruction of criminology. Defining the object of a criminology based on *constitutive interdisciplinarity*, the author opts for human reality as a constant reference element for connecting ideas to a way of understanding that goes beyond the classical etiological explanations about the perpetrator and crime. Significant is the fact that, after a comprehensive literature review, he pinpoints the logical and methodological inconsistency of traditional criminology and contemporary orientations. The author selects the main themes integrated in the object of criminology, starting from the concepts of responsibility and sanction. These coordinates of forbidden human behaviors are located in the biblical texts of *Creation* and make of *original sin* (violation of fundamental prohibitions), the expulsion from Eden (punishment), *the free will* (as a possibility of behavioral choice) and the *teleonomic* imperative of species survival, some of the defining dimensions for *defining the human being*. Based on the complex analysis of the socialization process (affective, cognitive and normative socialization), the author reveals, in one original way, the fact that discordant is the link between crime as a social phenomenon and the criminal behavior, as an individual or group manifestation, designing the operational concept of *discordant socialization*. Configuring the main ideas

about the relationship between socialization and crime, which could structure a general theory on crime, George C. Basiliade reveals that crime, as a social phenomenon, consists of all behaviors that violate the criminal law. It is the result of contradictions and dysfunctions at the level of global societies and of the fields of action of the social controlling instances and social media. There are contradictions and dysfunctions inherent in the social system, because, *it reflects a constant of the world*, namely the imperfection of the human being, after the original sin and its ontological inability to organize and function according to the transcendent principles of a universal harmony.

**Keywords:** *anomy, disnomy, paranomy, crime, criminogenic construct, criminogenesis, discordant socialisation, teleologic, teleonomic, epistemology, etiology, hermeneutics, deviance.*

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## Introduction

The treatise on *COMPREHENSIVE CRIMINOLOGY*, developed entirely by George S. Basiliade, is an *opera magna* with an encyclopedic character that analyzes the universe of crime, synthesizing an impressive, interdisciplinary and almost exhaustive bibliography (including the main studies and researches on crime published in Romanian, French, English and German, in the 19th century, 20th century and 21th century, until the date of elaborating the book). Another equally impressive support of the treatise is the empirical field research activity and expertise, which the author carried out in the area of crime, with a remarkable interdisciplinary vocation. In terms of scope and depth, this book is unique in the criminological literature of Romania. The treatise is structured in six sections: 1. an introductory part that includes reflections on the object of criminology; 2. the second part is focused on the directions and analytical landmarks of the construction and definition of the object of criminology; 3. the third part contains the analysis of a set of constitutive paradigms and fundamental concepts of the criminological discourse; 4. the fourth part projects a polyvalent analysis of crime as a social phenomenon; 5. the fifth part is devoted to the genesis of the *criminogenic construct* and criminal behavior; 6. the sixth part consists in a methodological approach of the functional, morphological (descriptive), typological and etiological analysis of the discordant socialization, completed with steps of comprehensive explanation

of the *criminogenic construct* and of *free will*, followed by considerations regarding crime prediction and prevention.

Our approach to the innovative conception initiated by George S. Basiliade in *Comprehensive Criminology* will focus in this article on *discordant socialization* and *criminogenic construct*, which we consider not only original contributions in the theoretical and meta-theoretical approach of criminology but also operational concepts able to optimize the field research methodology on crime, interpretation, hermeneutics of profile data and, of course, their superior scientific exploitation.

### **Discordant Socialisation**

One of the original, innovative concepts that Basiliade introduces in the treatise *COMPREHENSIVE CRIMINOLOGY* is that of *DISCORDANT SOCIALIZATION* (pages 615 - 624). It is designed as an interface of crime and individual criminal or group behavior, established by dissociating the periods of formation and development of the individual. Socialization is a continuous process, having as objectives *permanent internalization and continuous support of norms and values, accompanied by deliberate adoption of autonomous behaviors, in accordance with the axiological prescriptions of society*. At this point in the argument, Basiliade characterizes the process as ambivalent and triggers a new original analytical approach: *On the one hand, the individual adopts segmented norms and values during socialization, which he internalizes, and, on the other hand, he is under pressure to internalize the axiological system of global society*. As a result, from his point of view, the process of normative socialization has an ambiguous character, from which can flow both concordance and discordance between internalized norms and values and norms and values recognized as behavioral goals and prescriptions in a given society.

The author's diagnosis is clear: *the cleavage between these contents is generated by the dysfunctions in the action of socialization instances and the dysfunctions are generally produced by inadvertences and contradictions of value and, implicitly, normative, at the level of global society, which results in phenomena of DYSNOMY and PARANOMY*. In short, Basiliade defines *DYSNOMY* situationally, in the hypostasis in which *the norms adopted as landmarks of conduct are multiple and inappropriate to the purposes and the social system* and projects the complementary hypostasis calling it *PAR-*

ANOMY, respectively, *norms are contrary to values that promote fundamental attributes and rights of the human being.*

Basiliade considers that we find ourselves in front of two forms of discordance, namely: a) discordance between the established norms and the consecrated and recognized goal-values and b) discordance between different sets of values. In both cases, one of the possible effects is crime as *the set of behaviors prohibited by criminal law.* In this context, Basiliade reveals that crime, in some of its most dangerous and reprehensible forms of manifestation, has as its object life, health, physical and moral integrity of the human being, his material goods, the natural environment in which the individual lives, freedom and the social framework that ensures the human being's mental and spiritual development. The impunity of the facts that injure such values would endanger, in the long run, the survival and the biological and social continuity of the human species. On the other hand, *discordant socialization may be accompanied by other behaviors, contrary to moral and legal norms, but such manifestations differ from those mentioned in that they do not violate the teleonomic principle of survival and continuity of the species.* This set of behaviours is also subject to sanctions, of various types, but all these defensive reactions should not be punishments, but submitted to special forms of administrative corrective measures that exclude criminal retaliation.

In Basiliade's vision, discordant socialization is the connecting element between crime, as a social phenomenon, and criminal behavior, as an individual or group manifestation. The phrase is derived from a value judgment, followed by a series of existence judgments regarding certain objective and subjective situations and not a value judgment. It consists in a mismatch between norms and values or between different rules.

Outlining the main ideas regarding the relationship between socialization and crime, George Basiliade configures a series of points of view that constitute true foundations of an original general theory of crime: Crime as a social phenomenon consists of all behaviors that violated criminal law. It is the result of contradictions and dysfunctions at the level of the global society and of the fields of action of the social instances or socialization media. There are contradictions and dysfunctions inherent in the social system, because it reflects a constant of the world, namely the imperfection of the human being after the original sin and its ontological incapacity to organize and function according to the transcendent principles of universal

harmony. There are contradictions and dysfunctions that generate states of dysnomy and paranomy.

In this sequence of analysis, Basiliade projects a point of view, which is unique in the sociological and criminological literature: Both situations (dysnomy and paranomy) create an apparent state of anomie, which in our opinion does not have an objective correspondent in social life. Anomie is only the subjective reflection of some objective situations of dysnomy and paranomia that give the impression of the absence of rules. No form of organization can be constituted or maintained without a normative minimum for the regulation of human behaviors. The term anomie, used by Durkheim and taken over by Merton and other authors, seems to us a concept devoid of content, *a vacuum dictum*. The contradiction between the goals proposed by the social system and the limited character of the afferent means for their achievement is a phenomenon present in any real society. It does not result from an absence of its rules, from an imperfect or inadequate composition of them (dysnomy) or from the contradiction between the different systems of norms that regulate human behaviors and the activities of social communities.

Dysnomia and paranomia are manifested at the level of interactions and social structures through which the norms and values of a society are transmitted and sustained. Social interactions are marked by conflicts of values and norms. Such conflicts generate deviant behaviors, associated with criminal labeling and stereotypes based on negative selections. Negative selections favor and reproduce crime through social control instances. These interactive situations correspond to the structural level, phenomena of disturbing the social organization in different fields of public and private life, favorable societal contexts for such situations and the formation of criminal subcultures with values distinct from those of global society and norms of behavior adjusted to these values.

In this stage of the analysis, the problem of the genesis of criminal behavior, individual or group, is subordinated to the understanding of crime as a social phenomenon and forms the object of other theoretical-explanatory and methodological models, integrated by a constitutive interdisciplinarity in the formation of CRIMINOGENIC CONSTRUCT and the genesis of criminal behavior based on discordant socialization.

In this process, certain elements are inextricably linked, namely: a) the motivation for committing the prohibited actions; b) the formation of the constitutive elements of the subjective side of the crime, such as, for example, the intention, guilt and criminal responsibility of the perpetrator; c) the precarious or complex deliberation that precedes the criminal decision; d) adopting the decision as a form of manifestation of an autonomous will and taking action.

The fundamental idea is that man, as a biological being, is genetically endowed with specific neurophysiological and psychophysiological attributes, which results in his sociality, that ability to establish and maintain relationships with his peers and the world around him, in order to carry out consciously oriented activities and not instinctively, to achieve certain goals that ultimately concern the survival and continuity of the human species. This capacity is updated and developed through a process of continuous socialization, which consists in taking over or learning, internalizing and adopting, as permanent landmarks of behavior, the goal-values and the middle-values, of the group or communities to which they belong, on the one hand and those of the society in which the individual lives, on the other hand.

Basiliade emphasizes that between values and norms there is a relationship from goals to the means by which they are protected and internalized. Values and norms correspond, as subjective, objectified reports, to different behaviors by which the respective axiological landmarks are valued or contested and rejected. The socialization process leads to the formation of matrices, patterns that structure interpersonal relationships and ways of relating to the norms and values of the group and those of global society.

This is the central element of criminological analysis of crime. In this sense, we can speak of an affective socialization started in the first year of childhood, of a cognitive socialization and of a normative socialization, continued, throughout the active life of the human being. Cognitive socialization involves understanding the purpose and role of generally accepted values. Normative socialization involves the formation and development of self-control mechanisms that tend to ensure the concordance of behaviors with the system of norms and values of the global society.

The subjects of the socialization process take over, learn and internalize the values and norms of the belonging and reference groups. These

norms and values may be partially or totally discordant with those of the global society. It can be argued that, when there is a significant difference, a critical difference between internalized values and norms and those established as imperative landmarks of conduct in a given society, socialization has a discordant character and sometimes a behavior different from the one corresponding to the collective expectations. When the discord concerns the main values of the common life, the society triggers its instruments of exercising power and social control, establishes a system of sanctioning reactions, meant to correct and prevent the negative effects of such resistance.

It can be said that discordant socialization is the result of contradictions and dysfunctions in the global society. There are contradictions and dysfunctions generating *dysnomia* / *paranomia*, which are reflected in the action of socialisation media and instances, in the way they proceed to the continuous transmission and internalization by individuals of the values and norms of the global society. The values and norms of the global society, in part or in their integrality, may be ignored, circumvented or substituted with other values and norms, different or contrary to those generally accepted.

In Basiliade's view, the concept that articulates the theses of a general theory regarding crime, as a social phenomenon, and to individual or group criminal behavior is that of discordant socialization. It brings together in a unitary theory the three sides of the analysis (crime, the criminogenic construct and, as a consequence, criminal behavior). From an analytical perspective, discordant socialization has a bivalent character. It appears simultaneously: a) as an effect of some dysfunctions that determine the appearance and action of *dysnomia* and *paranomy* in the social system and b) as an association of interdependent factors (criminogenic construct) that intervene in the genesis of individual or group criminal behavior. From this bivalent character, result two distinct but complementary variants of analysis, namely: a) an etiological analysis from general to particular to highlight the causes of *dysnomia* and *paranomy* phenomena that had the effect of discordant socialization and b) a teleological and comprehensive analysis, which reveals how discordant socialization determines the genesis of criminal behavior and, more precisely, the activity of socialization courts, with their emotional, cognitive and normative function, and how to form criminal behavior as a criminogenic construct that meets the motivations of the act, training criminal intent, with its implicit or explic-

its purpose (teleological explanation), deliberation of the projected action, adoption of the criminal decision, manifestation of an autonomous will and transition to the criminal act (comprehensive explanation).

The phenomena of dysnomy and paranomy with their influence on the action of social instances and socialisation media and with their predictable result - discordant socialization - are the elements that articulate crime as a social phenomenon and criminal behavior as an individual or group manifestation, related sides of the general and the particular, are distinguished by the paradigms that intervene in their explanation.

Contradictions and dysfunctions mainly concern the various social institutions, understood as organizational ensembles formed by human groups that act independently, spontaneously or directed, in order to achieve predetermined goals. The activity of the institutions is carried out according to some norms endowed with means of coercion, which support their specific actions.

Basiliade quotes Maurice Hauriou (*La theorie de l'institution et de la fondation. Essai de vitalisme social. Cahiers de nouvelle journee, nr. 23, Paris, 1933*). Institutions can be the expression of constitutive ideas *but nuances, their main attribute consists in the fact that they must respond to legitimate needs, in the last instance, by the teleonomy of the biological and social continuity of the human species. Returning to M. Hauriou, Basiliade takes the idea of the primordality of the person, of the individual, placed on the first plan, comparative with the society which is placed on the second plan, because it is only a mean in the service of the good condition of the individual.* On the line of argumentation, the functionalist anthropologist Bronislaw Malinowski is also quoted, „the man, as a primordial biological reality, transforms his own needs into institutions established to satisfy him. (*A scientific theory of culture*, Ed. Francois Maspero, Paris, 1968). Basiliade emphasizes that *we have subordinated institutionalized or uninstitutionalized social activity to the above-mentioned teleonomic principle*, noting that the sociality of the human being, which makes common life possible, derives from the biological, neurophysiological and psychological peculiarities of the species and is developed through the process of socialization. The contradictions and dysfunctions of the social system must be analyzed according to their effects on the axiological options of some individuals, groups or social or age categories. There are acts of consciousness that guide individual or collective behaviors.



The author exemplifies in the area of criminology the fact that homicide, damage to bodily integrity or health of a person, theft, abuse of trust, deception, bribery, influence peddling, as acts committed by one or more persons reflect a certain axiological position of the perpetrators. In Basiliade's vision, all these are behaviors resulting from an interaction sustained by a conflict of values, as a constitutive element of discordant socialization. The respective facts are the observable manifestation of a complex of neurophysiological and psychic processes that precede the act and presuppose a motivation, an intention and implicitly, a purpose, a deliberation regarding certain behavioral variants, a value option and a volitional act of violation of certain norms established as guidelines for conduct.

In conclusion, Basiliade argues that discordant socialization, as an effect of dynomic and paranomic states, results from the internalization of values-purpose and values-means in contradiction with those enshrined by the axiological system of a society. In its criminogenic version, discordant socialization is manifested by ignoring or deliberately rejecting behaviors consistent with the collective expectations of the majority of the population. Going deeper into the analysis, Basiliade reveals in an original way: *For the qualification of socialization as discordant, it is not necessary that the whole behavior of a person constitutes intentional transgressions or fault of the norms by which majority accepted values are protected.* It is sufficient that, in each case, there be for the subject several behavioral variants, a deliberate or spontaneous option for one or more behavioral variants prohibited by officially recognized legal or customary norms, the free manifestation of the will to adopt the prohibited behavioral variant and committing, in part or in full, the projected act. To these constitutive stages of the criminal behavior, the motivation and the intention are added, as preliminary phases. Usually, motivation is axiologically neutral. It is a stimulus to the deed, while the intention foreshadows the purpose of the action and the possible ways to achieve it.

### **The Criminogenic Construct**

Analyzing the dynamics of criminal behavior, Basiliade projects an epistemological vision in which he introduces an original paradigm *criminogenic construct* (pp. 679-732; 783-802). He considers that the causal explanation in this field, although necessary, is not enough, because it omits both the

teleological explanation focused on the intentionality and purpose of the crime and the function of *free will*, on the other hand. He considers that the study from a criminological point of view of the complex causal relationship does not remove the uncertainties, assumptions or conjunctural interferences. It is the main reason why it takes into account other types of explanation and approach of the *criminogenic construct*. It is about the teleological explanation and the comprehensive approach of the evaluation of the behavioral variants, of the reporting to the moral and legal norms and of the adoption of the criminal decision, in other words *free will*. The author considers that only in this way can a hermeneutics be reached based on the synthesis between *typological analysis*, *causal explanation*, *teleological explanation* and *comprehension*.

Using such a complex model, the relationship resulting from the progressive focus is highlighted. of the cognitive approach focused on human reality as a generic field of reference and which in the vision of the Romanian criminologist includes the following stages:

- classification and reunion in a distinct whole of the significant (typical) features of an individual involved in a criminal situation (typological analysis);
- explaining through interactive and structural paradigms the phenomena of paranomy and dysnomy that determine crime as a social phenomenon and the process of discordant socialization of the individual (causal explanation);
- explaining through the analysis of motivations and intentions, with their afferent purposes, the appearance and formation of the *criminogenic construct* (teleological explanation);
- explaining the variables that lead to understanding the role and functions of *free will* in *taking action* and in the manifestation of criminal behavior (comprehensive approach).

In sociology and in the social sciences in general, one goes from interpretation to explanation through a process of transition from the level of current life to the abstract system of social organization. Basiliade is of the opinion that, in the case of free will, therefore of a psychic activity of evaluation, selection, option and decision, one passes from the causal explanation of the genesis of the criminogenic construct to an interpretation based on comprehension, which supposes a centering of the analysis on the particularities of the life situations, therefore of those feelings <ERLEB-

NISSE> in which the free-will intervenes and operates. Basiliade makes a translation to the case analysis, according to which “the biography of a criminal, either occasionally, professionally or habitual, must be seen and interpreted as a *narrative* or as a *text* with one or more common themes or out of the ordinary that forms the object of a *comprehensive hermeneutics* of deviant *otherness*, respectively as an association of the causal and teleological explanation with the mechanisms of comprehension. And here we find an original perspective that singularizes Basiliade: *It is an interpretation of the facts prohibited by law depending on the rupture that occurs at the level of free will between the meaning attributed by the perpetrator of his own actions or inactions and the meaning of their objective axiology (moral, legal).*

On this basis, Basiliade proposes three levels of criminological exegesis:

- a level of causal relations between macrosocial dysfunctions (paranomia and dysnomy) and the action of the main instances of socialization as means of social interaction and transmission of values (family, educational institutions, group and physical work environment, age group or knowledge, forms and content of leisure activities and cultural propensities, relationships in and with religious denominations, behaviors of the group and reference groups, behavioral landmarks (normative and cognitive) of the environment and leisure groups etc.);

- a level of the teleological analysis of the relations between the content of motivation and intention and, implicitly, of the criminal purposes and the vectors of the discordant socialization;

- a level of individual cases, formed by the comprehensive analysis of the *criminogenic construct* (including the free will) which includes: a) selection of behavioral options and options; b) their relation to a set of norms or pre-existing values in the individual consciousness; c) the adoption, on the basis of a free will, taking into account the certain effects and the possible ones, of the decision to react to the motivation and the criminal intention, by *taking action* or *giving up the act*.

By reuniting these levels, Basiliade introduces another innovative paradigm *hermeneutical synthesis* that assembles, in a unitary methodological approach, *causal explanation*, *teleological explanation* and *explication through comprehension*, one level of analysis to another, is reached, finally, through the *comprehensive approach*, a unification of the *explanation* with the *explanation* and there is a return to *criminal behavior* as a *singular* experience.

Basiliade considers that in this way we return to the social and psychosocial sources of the *criminogenic construct*, which results in the criminal behavior of an individual, to detect, with the help of free will, analyzed in current life situations, the mechanisms of *transition to act* or *waiver of the act* (temporary or permanent dissolution or blocking of the *criminogenic construct*).

Basiliade also sketches a methodological, applicative variant of this succession: a) the temporal context in which the subject is inserted; b) the evolution and characteristics of socialization (environments, courts, relationships, content); c) formation of the criminogenic construct; d) the return, by revealing the free will, to the primary sources of the criminal behavior. The author considers that this is the circular structure of *comprehensive hermeneutics* in criminology, a fundamental and original paradigm that differs and even neutralizes the critical, radical and controversial *pseudoexegesis* of neo-Marxist inspiration that has proliferated in contemporary criminology.

At the end of the day, we hope that our article will be perceived as a warning signal to boost criminological research in Romania using such valuable paradigms created by George S. Basiliade, not to forget or underestimate them. Romania has a huge problem of crime both conventional and organized, being nowadays a very fertile soil for discordant socialization and criminogenetic constructs. So academics and law-enforcers have to act together more effectively.

## Bibliography:

- ♦ Adler, Freda; Mueller, Gerhardt O.V. ; Laufer, William S., *Criminology*, (second edition), McGraw-Hill College, 1994.
- ♦ Basiliade, George și colaboratorii, *Corelațiile dintre laturile subiective și obiective ale infracțiunii și nivelul mental la un grup de delincvenți minori*, Uniunea Societăților Științelor Medicale, Secția de Medicină Legală, 26 ianuarie 1966.
- ♦ Basiliade, George și colaboratorii, *Ancheta socială în sistemul probațiunii judiciare*, Consfătuire Națională de Medicină Legală, 1964.
- ♦ Basiliade, George, "De la sancțion repressivă a la sancțion rehabilitantă", (*Comunicare*) Al IX-lea Congres mondial de Filozofie Socială și de Filozofia Dreptului, Basel, 1979.

- \* Basiliade, George, "Examenul personalității infractorului minor și problema orientării profesionale", în *Revista de Pedagogie*, nr.11/1966.
- \* Basiliade, George, *Cauze ale fenomenului infracțional în rândul tineretului. Sinteza cercetărilor efectuate în perioada 1969-1971*, Centrul de Cercetări pentru Problemele Tineretului.
- \* Basiliade, George, *Criminologie comprehensivă*, București, Editura Expert, 2006.
- \* Basiliade, George, *Unele probleme ale cercetării criminologice a delincvenților minori*, Uniunea Societăților de Științe Medicale, Secția de Medicină Legală, 1964.
- \* Botescu, George-Mircea, "Supravegherea - dimensiune a controlului social în postmodernitate. Virtuți și riscuri pentru libertatea și demnitatea umană", în *Jurnalul Libertății de Conștiință*, vol.7, nr.1, Les Arcs, France, Editions IARSIC, 2019.
- \* Botescu, George-Mircea, "Criminologia integrativă și dimensiunea noologică (Integrative Criminology and the Noological Dimension)", în *Jurnalul Libertății de Conștiință*, vol.8, nr.1, Editions IARSIC, 2020.
- \* Buzărnescu, Stefan, *Doctrine sociologice comparate*, Timișoara, Editura de Vest, 2008.
- \* Cioclei, Valerian, *Manual de Criminologie*, București, Editura ALL BECK, 1998.
- \* Daigle, Leah E., *Victimology. A text reader*, Ed. Sage, 2012.
- \* Elster, Jon, *Comportamentul social. Fundamentele explicației în științele sociale*, București, Editura ALL, 2013.
- \* Foucauld, Michel, *A supraveghere și a pedepsi*, București, Editura Paralela 45, 2005.
- \* Giddens, Anthony, *Sociology*, 8th Edition, Polity Press, 2017.
- \* Innes, Martin, *Understanding social control. Deviance, crime and social order*, Open University Press, 2003.
- \* *The Sage Book of Criminological Theory*, edited by Eugene McLaughlin and Tim Newburn, 2010.