

Determination of Criminal Behavior

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Abstract—The explanation of criminal behavior only by biological and (or) social factors is not enough, since human behavior appears as a passive consequence of the surrounding conditions and heredity, which excludes his responsibility for his actions. The purpose of the paper is to substantiate the provision of the three main determinants of criminal behavior: the genotype, the social environment and the personal basis - the free will of the individual. The anthropological paradigm “biological-social” is outdated and should be replaced by the paradigm “biological-social-personal.” This is the philosophical innovation of the authors. At the same time, a person is recognized as a person with free will. The latter interacts with external conditions and hereditary inclinations, and at the same time it can prevail over them, but it can also yield to them.

Keywords—criminal behavior; free will; aggressiveness; criminal abilities; abilities; inclinations

I. INTRODUCTION

One of the threats to the security of any country is crime. This problem has always interested people. It contained the following questions: 1) is there a hereditary conditionality of moral qualities of a person and crimes? 2) Is the criminal behavior completely determined by social factors - poor economic conditions, poor upbringing and education, etc.? 3) What is the role in the criminal behavior of a person's mind, his free will and self-determination, can they resist the conscious and unconscious aggressive internal impulses and negative influences of the environment? The proposed paper contains possible answers to these important questions.

II. THE CONCEPTS OF BIOLOGICAL AND SOCIAL CONDITIONALITY OF CRIMINALITY

Similarly to the situation that existed before the 90s of the 20th century on the issue of biosocial determination of intelligence, there were two extreme concepts about the

causes of criminal behavior. The first of them belongs to C. Lombroso, who considered crime as a direct consequence of poor heredity and acknowledged the existence of a born criminal [1]. The second concept explained all types of criminal behavior only by social factors - cultural, political, economic, as well as remnants of the past. The second concept did not take into account the fact that the hypertrophied form of the teaching of Lombroso and his followers contains an important rational point - the statement about the effect of heredity on criminal behavior.

In the 20th century in domestic science there was almost an official paradigm that absolutized the social essence of man. In accordance with it, the overwhelming majority of domestic scientists and philosophers negatively answered the question about the biological determination and morality of people, and their criminal behavior. The situation has not changed yet and by now. Although the study is only about the social determination of the consciousness of the individual, now no author actively defends, but still the value of hereditary factors for the development of human intelligence is not given due attention. This is revealed in the process of discussing the problem of criminal behavior. For example, in the textbook of criminology it is recognized: “Man is the product of the combined influence of both biological and social factors” [2], but in the chapter “The Identity of the Criminal”, it is only noted that “high anxiety may be innate” i.e. the role of heredity is recognized, but not revealed.

N.I. Gubanov and N.N. Nikolskaya made an attempt to unite the adequate moments of the extreme positions described above on the basis of the concept of unity of the biological and social conditionality of the intellect [3]. The essence of the concept is as follows: the formation of intelligence as a system of abilities requires the presence of both genetic inclinations represented by the appropriate level of the brain structure, and corresponding social conditions - conditions for the flow of the game, training,

communication, and labor activity of people. Genetic inclinations are transmitted from parents to children through the channel of genetic heredity. They represent the natural talent of man. The realization of the inclinations and their transformation into abilities occur as a result of people's activeness, determined by the conditions of life. The heredity of an individual determines the amount of his inclinations (mental abilities), and upbringing and training in certain social conditions determine the degree of realization of inclinations and their transformation into abilities.

Using data on the social and biological determination of abilities, N.I. Gubanov and N.N. Nikolskaya substantiated the principles of the concept of dual conditioned criminal behavior. A person does not have innate abilities for crime (as well as other innate abilities), but he has innate (genetic) inclinations for the occurrence of criminal abilities. Whether these abilities are realized and whether they are transformed into criminal abilities is determined by social factors - upbringing, education, economic, political and cultural living conditions. The concept of dual conditioning of the human psyche and criminal behavior is, of course, more adequate in comparison with sociologizing and biologizing concepts. However, it is also insufficiently adequate, although it is sometimes used as the last word of science. Thus, in the textbook of psychology published in the pretentious series "Textbook of the New Century", chapter 4 is called in the spirit of the outdated paradigm "Natural and social determination of mental development" [4]. About the personal factor is not mentioned here.

III. NEW ANTHROPOLOGICAL PARADIGM

In previous works, we noted that the anthropological paradigm "biological — social" is obsolete, and a transition to the paradigm "biological — social — personal" is necessary [5] [6] [7]. Now we will justify this situation in more detail. Our new position is as follows: all personality traits, including those that influence its behavior, including criminal behavior, *have not one, and not two, but three groups of sources of determination*: 1) natural beginning — the inheritance of the individual; 2) social beginning — cultural, political, economic conditions of human life; 3) personal beginning — the free will of the person, self-determination, his mind and his own creative activity for self-improvement and creation of innovative cultural meanings. Therefore, the still widespread understanding of man as a biosocial being is incomplete: this understanding does not take into account the role of the personality factor — free will and the creative spiritual activity that it generates — in human development. In this regard, *a person should be understood as being not biosocial, but biopsychosocial*. In the framework of the "biological-social" paradigm, a person is considered only as an object of influence on him of external conditions and genotype.

However, man is not only an object, but also a subject of the life process. As an object, it is exposed to conditions and events of life, social relations, cultural traditions and moral norms, as well as unconsciously experiencing the influence of hereditary inclinations, among which, besides intellectual ones, are altruistic and egoistic. As a subject of his life, a

person can self-improve, organize his life, regulate its course, develop its scenarios and make decisions about the accomplishment of various actions. Man is not a passive derivative of social conditions and biological heredity. *He is the only creature on the planet that has the quality of self-determination*. Self-determination means freedom of the Self with respect to both the forces of the external environment and the forces within the personality itself. On the basis of the new anthropological paradigm, we will try to substantiate the principles of the concept of triple conditionality of illegal behavior.

IV. LAWS OF TRIPLE DETERMINATION OF CRIMINAL BEHAVIOR

Since the significance of genetic instincts for criminal behavior has not yet been sufficiently disclosed, we will first touch upon this aspect. First of all, we should note that the criminal predispositions are presented in the form of the small in size of the inclinations of altruistic qualities and the significant in size of the inclinations of selfish qualities. This is the hereditary basis for criminal behavior. A person who has such a disproportion of moral inclinations is more predisposed to crimes. The inclinations of egoism are subjectively experienced by the individual in the form of internal aggressive aspirations directed outward. And the higher their magnitude is, the more pronounced the efforts of the will need individuals for their suppression, the greater the possibility of criminal acts. So, the possibility of criminal behavior is due to the inclinations of egoism and aggressiveness, i.e. the inclinations of negative moral qualities. Morality and sense of justice are closely related. When the inclination is realized, it turns into ability.

Criminal ability should be understood not as a characteristic of criminal skills, but as an individual's willingness to cross the line separating law-listening and moral behavior from crime and amoralism, a willingness to consciously inflict evil on others. A characteristic of criminal skills must be denoted by another term, for example, the term "ability to plan and implement crimes" [8] [9] [10]. This ability may differ in magnitude in different offenders. It is especially great at the leaders of criminal groups.

A measure of criminal ability can be considered the degree of evil that the offender is willing to bring to other people. For example, a certain criminal can only commit a theft, another - to steal and beat a person, and the third - to commit theft and kill a person. Here we make the assumption that the offender has faith in his impunity and the absence of fear of exposure. What matters is his free will. *The person freely decides what to do. And therefore, he is responsible for his actions*. The framework of morality is wider than the framework of law [11] [12]. For this reason, criminal behavior is always immoral, if the laws are fair. The mental basis of evil — criminal and immoral — is one. This is the conscious willingness of the individual to cross in his actions the boundary of the behavior acceptable by society. Amoralism, low morality of the individual is the mental basis of criminal behavior. The lower the level of human morality, the more serious crimes such a person will be capable of.

Let us note some empirical data on the influence of the genotype on a person's morality and his behavior. In pairs of twin criminals, dizygotic twins occur twice as rarely as enzygotic, among criminals with reduced intelligence, anomaly XXY is observed ten times more often in comparison with the rest of the population. These data show extreme cases of the influence of heredity on the moral sphere and the succession of people. However, there are grounds for recognizing the presence of genetic causality of morality and immorality, not only in terms of the norm, but also anomalies.

Any personality trait can be qualified as a potential ability. And a potential ability becomes actual if the individual performs the relevant activity. For example, altruism is the ability to love others, not just yourself. Honesty is the ability to speak the truth in difficult situations. If one recognizes moral qualities as special abilities, these include all the provisions on the biological and social determination of abilities: 1) the individual has the hereditary inclinations of moral qualities; 2) the genetic norm of the reaction determines the amount of moral inclinations; 3) the conditions of training, education, self-education determine the measure of the implementation of these abilities and the formation of moral qualities; 4) in the human population, among its members there is a normal statistical distribution of the hereditary inclinations of moral qualities. The largest number of people has an average value of the moral inclination, and those with a smaller or larger amount of the inclination become less and less in the degree of distance from the mean value in both directions. Moreover, man possesses the inclinations of both altruistic and egoistic qualities. The first ones arose in the process of anthropo sociogenesis as the realization of the need for the survival of the population as a whole, and the latter as the realization of the need for individual survival. Altruism and aggression are two opposites of the human essence [13].

Like the inclinations of cognitive abilities, the moral inclinations of different individual types can be expressed to a greater or lesser degree. If we deny the hereditary conditionality of morality, then how can we explain the fact that, out of all the large aggregate of people living under the same conditions, some commit crimes and others do not? Moral talents of people, as well as aesthetic and cognitive, can have a wide range of changes. It can be assumed that there are not only scientific and poetic geniuses, but also the geniuses of good and moral force, and there is, apparently, something resembling the genius of evil with its demonic force. Since the human genotype is heterogeneous, it should be recognized that genius and villainy are still compatible. In this case, an outstanding talent in a scientific, political, artistic sense is associated with a low moral talent. The selfish qualities of the individual, due to the disproportion of intellectual and moral talent, can be considered the personal basis of criminal behavior. One of these qualities, aggressiveness is the ability to inflict physical, material or moral damage to another person. The highest expression of aggressiveness is the desire to destroy other people.

M.V. Alfimova and V.P. Trubnikov showed that the differences in the aggressiveness of various individuals are

about half due to the genotype and half to the environmental factors. The concept of one "aggressiveness gene" is not realistic, many genes and complex interactions between them can affect the tendency to aggression. Over time, when individual genetic diagnostics become available, genetic data can be used to assess individual reactivity to various medium effects that provoke aggression, and therefore to prevent aggression" [14].

The presence of genetic predispositions of moral properties does not mean that there is a rigid genetic pre-assignment of the morality of the person and his behavior, including the criminal one. The inclination is only the possibility of forming certain personal qualities. The degree of realization of this opportunity is determined by the conditions of upbringing, life in general and the individual's own spiritual activity. There is no social or natural inevitability of the crime committed by a specific person. Hegel wrote: "Circumstances and motives dominate a person only to the extent that he himself allows them to do so" [15]. Even if a person had pronounced criminal tendencies and he lived in bad social circumstances, his mind and free will can prevail over these negative realities, suppress and block internal aggressive impulses. Free will is a form of self-determination of the individual — the possibility of choosing such an activity that is relatively free from the present conditions — both external and internal — of one's own unacceptable desires.

Of course, one cannot exaggerate the significance of heredity for committing crimes, but one should recognize its essential role in this. For example, in good weather, those who are most susceptible to this are ill with influenza. And in the case of a sharp and strong cooling, the disease also covers those less prone to it. Similarly, among persons raised and living in the same socio-economic conditions, crimes are mainly committed by those characterized by the greatest inclinations of egoism. When the living conditions deteriorate, those who have a less significant hereditary predisposition to criminal behavior also begin to commit crimes [16]. It happened in the countries of the former USSR after its collapse. I.S. Noah in 1975 wrote: "The answer ... to the question why under the same external conditions, including those associated with upbringing, some people commit crimes, and others, of whom the absolute majority do not commit them, would mean the discovery of the main secret of crime" [17]. Now we can answer this question: the crimes are committed by those who have the most pronounced hereditary criminal inclinations.

The problem of "Crime and genetics" caused in the 90s twentieth century increased interest of scientists and the masses after a single incident in the United States. A certain S. Mobley was arrested there and confessed in several murders. His lawyers asked the court to make a genetic survey and to establish whether criminal behavior was not due to the characteristics of its genotype. They wanted to show that Mobley, because of his genotype, is not capable of being responsible for his actions, unlike ordinary people. But the motion was rejected, and Mobley was sentenced to death.

The decision of the court was scientifically correct. Criminal behavior, as noted, depends on the genotype. However, specific actions are not determined by genes, they affect them through the formation of a predisposition to certain actions. If a person knew his genetic peculiarities (which is a matter of the future), this would not relieve him of responsibility for criminal behavior, but would strengthen it. In these circumstances, the personal factor is especially significant: realizing and reflecting on their life circumstances by the free will, the individual is able to resist aggressive impulses and follow the path of law-abiding and moral behavior.

For example, if a person is aware of his predisposition to alcoholism and aggressive actions while intoxicated, he should avoid situations of collective alcohol use. A person himself makes a legal choice, although with some genetic characteristics and unfavorable social conditions, it is more difficult for him to make the right choice and resist the internal aggressive impulses. Therefore, it is necessary to develop methods for the genetic diagnosis of crime propensity. Such diagnostics will help to produce self-control and suppress internal aggressive desires.

V. CONCLUSION

The foregoing leads to the following conclusions: 1) the criminal behavior of a person depends on his heredity, which manifests itself in the form of a greater or lesser predisposition to commit criminal acts; 2) diagnosis of genetic predisposition to antisocial and immoral behavior can be the basis for: a) creating a system of education that impedes the realization of selfish qualities and the possibility of crime; b) the development of humane methods of psychotherapeutic correction of the behavior of those individuals who have undesirable genotype abnormalities; c) the invention of the methods of personal self-control, which blocks internal aggressive aspirations.

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