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KAUSALITÁS DETERMINÁCIÓ ÉS PROGNOZIS A KRIMINOLÓGIÁBAN
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IN THE CRIMINOLOGY

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The latest monograph, written by the author is not only a great asset to the literature of criminal law, but the results and conclusions presented in it are of general importance at all.

The examinations and research of prof Dr. Vigh can be characterized by critical attitude, so the author takes a point of view quite opposite to the general opinion of legislators. This scientifically based opposition does not express any "academic aristocratism": means not the ignorance but recognition of fact, that he wants to get answer to real problems and questions and to help the development by winning over experts of legal practice.

The bright and well understandable text, also the logical structure of the upper mentioned monograph drives the author to the realization of these efforts.

The succession of topics is amazing by the first glance of the Contents as it does not follow the well known deductive scheme. It must be emphasized, that philosophical formulas do not serve to put the base to deductive conclusions, but play a heuristic role. The way of thinking is driven by relations of real problems. The author turns to the philosophy "on way" only in that case, when it is needed by the solution of real problems.

The monograph is divided into two parts, The first part is "The Crime and Crime Causality" – consists from three chapters. The first of them gives the analysis of conception of criminal offence and crime, and lays down that "the crime consists of criminal offences and their offenders. . . but it is a conception of different level, has different criterions . . ."

If criminal offences happen in a large amount, they form a statistic mass, a mass of new different quality they form the crime. . .

The universal causal relations appear in different shape on individual level and in different again on level of general phenomena formed of individual" (pp. 17 – 18).

The author heads off that critical opposition from the beginning, that the identification of conception of multitude with the amount of individuals means only a quantitative accumulation as he says that the "statistical approach prevents us from any mistake of this kind, as the

multitude or whole in the statistics has also attributes, what are not characteristic for the individuals separately. Every statistical multitude has its own dynamics, structure and stochastic relation to other general phenomena" (p. 20).

In the Chapter 2 dealing with the justification of examination of criminal causality, the author criticizes first the bourgeois viewpoints, expressing the vanity of examination of causality, than gives an analysis of role what the examination of causality plays in the socialist science of criminology. He reflects on the approaches, indentifying causality with mechanical causality and rejecting the causality. He stands a point, that the investigation of criminal causas generally can not be taken as a nonsense, if we treat the conception of crime as related to space, time and a certain system of criminal jurisdiction.

The Chapter 3 is one of the Chapters most worth of attention of the monograph. It deals with causality of crime and criminal acts.

The author's effort is to make a distinction between the categories of determination and causality; they are not the same, but causality is in the focus of the determination process (p. 43).

The distinction of the two categories is determined by the author as follows: "The causal relation concerns only to a certain part of relations, where certain phenomena are in direct relation with effects being causas and conditions, whilst determination as a process includes all that previous causal relations, chains of causas and effects, what had been leading to the observed effects."

"The causal relation as a matter of fact is one link in the determination process (p. 42). The difference has to be found also concerning the time-level: the determination is in general force to the happenings of Past, Present and Future at all, while the causal relation supposes always the past tense (p. 43)."

The description of causality conception is followed by analysis of causal relation of an individual criminal act. The author makes first the distinction of causas and conditions, calling to the practical significance of this question.

We have to share his viewpoint, that this difference is based not on its significance but function. The author is also right when he does not narrow down the causal relation to external factors, but points out the role of internal factors — first of all the role actually played by a given personality. The author puts into the causal relation the moment of practicability of the human attitude.

In matterful argumentation of prof. Vigh should be emphasized first of all the great importance of role of the human needs — as we can express in unambiguous form the social determination of human attitude through presentation and analysis of social character of human needs; of that role what play the social experiences and also the importance of objectivations.

The analysis of alterations of causal mechanism of malicious acts and criminal acts offended of carelessness is worth of attention as it is presented in bright and understandable form.

The Part II. "The causal functions of criminal acts" presents all the problems analyzed in the Part I in more detailed and ambiguous form, what seems to be very effective, particularly regarding the behaviours of individual offenders.

On the other hand this topic was already much more elaborated on abstract level, than the causal determination of criminality and probably is related to that fact, that the viewpoint of the author is marked first of all by the problems of enforcement of law and improvement in imposing of punishment. This is quite clear, as in this case the central problem is the adequate individualization, what needs just the understanding of individual causality.

The deciding link in the author's causality-scheme is the actual personality, what is reasonable as the development of the scheme starts from the analysis of personality conception, than turns to the role of conscious and subconscious factors, It is especially emphasized by the author, that the "science of criminology has to take into account the existence of subconscious factors and also those results what are produced by neuro-physiology and psychology in the given research field" (p. 82).

The author points out, that it is impossible to give an adequate explanation of certain criminal acts in every case, just starting from aiming in sphere of consciousness; he also puts the questions, how to make a legal regulation to the rule of sphere of consciousness and subconsciousness.

In the detailed analysis of topic of sphere of consciousness and particularly in analysis of content of the offender's consciousness the author makes that conclusion, that antisocial attitude plays definitive role. He considers determinable the lawfulness or accidentality of criminal offence and also dangerousness of offenders for the society; the lawful or accidental character of a given criminal act can be recognized on the base of attitudes and amount of acts of the offender.

From the mount of these acts we can determine approximately the law of offender's behavior, i.e. what plays leading role in his acts — ideas being in accordance to the needs of the human society or antisocial ideas and attitude; so the given criminal acts has to be treated as lawful or rather accidental. One of the most important requirements of criminology is the typifying of offenders according to the upper mentioned criteria" (pp. 81—89).

This principium is represented consequently by the author from the very beginning to the end of the monograph and the selection in accordance with the criteria of antisocial attitude and dangerousness for the society is extended also to the criminal acts of carelessness (pp. 91—92).

The expression of the role played by the sphere of consciousness gets closed with the analysis of motivation by needs and realization of criminal offence and also with conclusion that "in case of recognition the irrational character of criminal act the person who is offender at the present will keep oneself away from displaying of similar acts in the Future. But — as long as the criminal act realized by the offender gets qualified as rational in the offender's consciousness, he will consider the realization of similar

acts suitable for satisfying his needs. This kind of value judgement about the interrelation of human needs and criminal acts is very significant for calling into criminal account" (p. 99).

In detailed analysis of the role played by biological factors prof. Vigh emphasizes that the amount of biological factors means first of all the conditions and mechanism of development in psychic and personality; all the means and conditions being available to the satisfaction of needs and the needs themselves get increasingly realized by the personality. Thus we have to pay more attention to the recognition of mistakes in the upper mentioned "mechanism" and isolation from the social influences as several and different means and measures of prevention are necessary according to the different cases (p. 108).

The following topic is dealing with the role of social factors, prof Vigh examines first the effects of factors of the micro-environment, than turns to the analysis of interrelation of macro-environment and crime, dealing with the role of objective situation too.

The problems of crime a causality are raised in more ambiguous form in this interrelation, so the author brakes the scheme presented in Part I, when he gives answer to them. It is quite clear in his analysis, that the upper mentioned factors of macro-society level make their effects in two way: from one hand they help to produce and reproduce situations of macro-society level, what lead to the personality's, socialization in wrong way for realization of criminal acts, The author does not stay at the level of mass- phenomena, hut also emphasizes the determinating role of social relations standing beyond them; he says that "a certain level of crime is regularly and closely related to the present level of distribution according to the work and also to the level of social consciousness. In conditions of building the socialist society is lawful the existence of crime". (p. 126)

In the Part III, what is headed as follows: "The interpretation of determination appearing in human behavior" the author explains in well known way first the conception of determination and its relation to the causalty, than giving a critical review of several conceptions related to the possibility of free choice he expresses his standpoint, that "determination predominates also in the human behavior — there is no mystical power, what — beyond the causal connection should be a part of the determinating process. But if we are intended to call a "choice" the determinating human will, what is planning the performance on one hand and accepting one of the opportunities on the other (or we should like to call like that), there is nothing to prevent us, as it is only a question of agreement, but we have also to take into account, that this kind of choice is just determined as like as any other social or natural phenomena and has nothing common with that content, what is understood by the determinism as "conception of free choice" (pp 159–160).

Prof. Vigh convincingly argues here that rejection of the free choice does not mean necessarily the rejection of autonomy of action and self-training at all.

The approximately short Part IV is dealing with interrelation of determination and forecasting than makes an effort to give a forecast for crime and becoming recidivist, or offender of a criminal act. This is followed by the extended closing part of the monograph, dealing with practical proposals and recommendations for criminal policy, under the headline: "The realization of determinism conception in the calling into criminal account".

Prof. Vigh considers the conception of determinism as a theoretical ground for the calling into criminal account.

The question of justness of taking into criminal account, based on conception of determinism is one of the most important among the questions giving theoretical base to the criminal responsibility. In accordance with his dialectical materialistic conception, the author emphasizes, that the law and morality have common social ground, and the definitely social character of morality is forgotten by many people.

It is quite unexplicable for him "why is it impossible to disapprove the criminal act also from moral point of view, if its realization has been determined by the personality of offender and several objective factors, but not on the base of free will. By the way the disapproval of behaviors being dangerous and deleterious for the whole society or for the ruling class is to be the ground for penal norms and punitive sanctions at all. The moral norms contain as much social demands and expectations as the penal norms, but on different level" (p 203).

The author's conclusion, that "the moral acceptance of penalty depends first of all on acceptance of penal norms" (p 203) logically emerges from his critical reflections and turns our attention to an essential relation: that happens frequently, that the legal norms representing the interests of ruling classes do not get the moral acceptance of masses of the society of the oppressed classes. In such cases the ruling class tries to ensure the legitimacy of its legal system in a "roundabout way", i.e. through the approbation, the legitimacy of institution of responsibility and calling into criminal account.

The closed relation between past and the future gets emphasized in the whole monograph — giving the main ("red") thread of it, thus it is quite reasonable, that the author considers the context of past and future in the responsibility as a criterion of superiority of criminal jurisdiction (p. 202).

The author's convincing argument, discovering the essence is in accordance with his commanding theoretical coherence, as follows: "Punishment without retaliation is adopted in our practice for prevention of criminal behavior in the future and because of criminal behaviors in the past — in accordance to the conception of determinism. This standpoint expresses also the reasonable and beneficent goal, what leads us in calling the offenders into criminal account."

The examination and analysis of means of crime prevention logically follows from acceptance of prevention as the goal of punishment.

The interrelation of general and special prevention appears here as a question of main importance.

According to the viewpoint of prof. Vigh, the ground is "the general prevention, the realization of calling into criminal account and application of any (if only on a level of minimum) legal disadvantage, because this is the ground of forming and keeping the criminal responsibility in mind of people." (p. 215)

The author's train of thought is reasonable and indisputable. I wish to add to the upper expressed, to avoid misunderstandings, that the legal disadvantage must not appear also in any physical or financial drawback and prejudice, as it is shown in the suspending of the execution of sentence and censure.

The closing chapters of book of prof. Vigh are dealing with several problems of sentencing and imposing of punishment and with the necessity of development in the system of after-care and resocialization.

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