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**უნივერსიტეტის
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At the Outset of Georgian Criminology Briefly about Giorgi Mikheil Shengelaia (November 1897 - March 1950)

Nowadays, in Georgia, the criminologists and lawyers are almost unaware about the personality of Giorgi Shengelaia. This should not be surprising, since there is nothing mentioned about him and his professional achievements in Georgian legal and criminological literature. Whereas, G. Shengelaia had been lecturing for years at the Law faculty of Tbilisi State University, as well as delivering lectures for lawyers, police officers, prosecutors and judges. Besides the pedagogical activities, G. Shengelaia was also keenly involved in scientific research activities. He had also been researching issues related to criminology and criminal law.

Due to this fact, we decided to briefly present Mr. Shengelaia's personality and his works before the Georgian public. In the course of research, we have obtained just few information regarding his biography and professional activities that we would like to review and discuss about Mr. G. Shengelaia. We hope that in the near future we will find more and more interesting materials that we be definitely introduced before public.

Key words: *criminology, psychiatry, criminal, evildoer, crime, evildoing.*

1. The Docent G Shangelaia¹

Giorgi Shengelaia graduated with honors from Medical Faculty of Tbilisi State University in 1924 and began his scientific work during his academic studies. From 1920 to 1922 he was considered to be a temporary assistant at the Department of Physiology and studied extensively the physiology of the central nervous system. Since 1922 he was an employee of the Department of Psychiatry and worked fruitfully in the field of psychiatry.

Upon graduation from the university G. Shengelaia was appointed as a resident of the Institute of Psychiatric Neuroscience and, since 1927, as a resident of the State University Psychiatry Clinic.

From 1930 to 1945 G. Shengelaia had been working, initially, as a deputy Director of the Department of Psychiatric Neurology of the City Health Department, and after, as a Director of the Institute of Functional and Neural Diseases. He had done a great deal of work in the organization and opening of the said institution.

From 1931 to 1938 G. Shengelaia was an assistant of Psychiatry Department at the Tbilisi State Medical Institute, and since 1934, he led the forensic psychiatry course at the Tbilisi State University Law Faculty. From 1934 until his death, he had been regularly delivering lectures at that faculty.

In 1935, the Scientific Council of the Public Health Commission of Georgia awarded him the title of Senior Scientist.

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¹ *Gobronidze E., The Docent G. Shengelaia (Ministry of Health of the Georgian SSR, M. Asatiani Scientific Research Institute of Psychiatry, Volume XVIII, ed., academician A. Zurabashvili), Tbilisi, 1958, 157-160 (in Georgia).*

In 1937, G. Shengelaia defended his dissertation to obtain a scientific degree of candidate of medical sciences. In the same year, he was elected on a position of a Docent.

Since 1927, G. Shengelaia worked for the Institute of Forensic Psychiatry in the field of forensic psychiatry. With his direct involvement, the institute established a special Division of Forensic Psychiatric Expertise, which he was chairing until his death.

From 1938 to 1950, he had been working for Georgian SSR Member of the Sanitary Department of the Ministry of Internal Affairs, as a psycho-neurologist and as a member of the Medical Expert Commission.

In 1946, G. Shengelaia was awarded the honorary title of Honored Doctor of the Republic.

Docent, Giorgi Shengelaia was considered to be the leading psychiatrist in the Republic, who did much in the organization and development of forensic psychiatric expertise. He would train lawyers and doctors for years. G. Shengelaia delivered lectures for employees of investigation agencies and prosecutor's offices, militia, judges and advocates.

G. Shengelaia produced 30 scientific papers, which can be divided into the following groups: 1. works mainly on mental illness and therapy; 2. physiological and pathophysiological works; 3. organizational work; and 4. work primarily on forensic psychiatric issues.

From the organizational topic, the following works are interesting: "For the History of the Department of Psychiatry in Georgia", "Forensic Psychiatric Expertise in Georgia", "Key Issues of Modern Forensic Psychiatry".

Among the forensic psychiatric works, it is worth to mention the following: Forensic Psychiatric Expertise; Characteristics of Forensic Psychiatric Expertise During the period of World War II; Basic Issues of Forensic Psychiatry; Issue of Mental Capability during Mental Illness; Crime and Criminals; For the issue of Classification of Self-Incrimination; About the one form of Alcoholism; The issue of Simulation of Mental Illness. The latter work is a fundamental work in the form of an extensive monograph. This thesis was intended as a doctoral dissertation, which was almost done, but the serious illness did not allow him to complete it.

Giorgi Shengelaia belongs to the first set of disciples of the Prof. M. Asatiani, who was founder of Georgian Psychiatry. He was a distinguished disciple of his precious teacher. He was considered to be the best clinician and deeply educated physician. G. Shengelaia was Georgia's honorary doctor, docent, best teacher, true scientist and citizen.

2. G. Shengelaia as a Specialist of Forensic Psychiatry²

In 1927, by the initiative of Prof. M. Asatiani, the Special Forensic Psychiatric Examination Unit was opened at the Psychiatric and Neurological Institute of the USSR Health Commissariat and the Docent, Giorgi Shengelaia was appointed as a head of this Unit.

² *Jimshelishvili V.*, G. Shengelaia as a Specialist of Forensic Psychiatry (Ministry of Health of the Georgian SSR, M. Asatiani Scientific Research Institute of Psychiatry, volume XVIII, ed., academician A. Zurabashvili), Tbilisi, 1958, 551-553 (in Georgia).

From that day onwards, practical and scientific works on various issues of forensic psychiatry started in that Unit. On the one hand, the Unit provided some assistance with high-quality findings to Soviet forensic investigators on a mental capability of persons in question, and on the other hand, studying and specifying those clinical forms of psychosis that carried a specific implication.

Scientific works of G. Shengelaia on forensic psychiatry can be divided into two parts. The works written in the first years of his work, which carries the nature of revision of literature in general and is dealing with the issue offender's mental capability and release from criminal liability, or represent material of forensic psychiatric unit, with appropriate analysis and comparative literature sources. These works belong to 1927-1930. After this period, his works bear the pure clinical-psychopathological nature for ten-twelve years. Only since 1943, G. Shengelaia returned to the core issues of forensic psychiatry. These include: The issue of Self-Incrimination Classification; One form of Alcoholism; Sleep-wake states of Consciousness, their Diagnosis and Psychiatric Evaluation and his doctoral dissertation on Mental Illness Simulation.

In the work on "the Issue of Self-Incrimination Classification" literature review of this issue and 5 cases of self-incrimination with a proper analysis is provided. In the author's opinion, it would be more expedient to have the following classification instead of the existed one:

1. The notion of true self-incrimination, as well as the notion of true simulation, must imply such self-incriminations that are of a targeted nature and which, according to content, can be dealt under the Criminal Code, as a crime.

2. False, i.e. pseudo-allegations must be known to those cases, where self-incrimination derives from and relates to a specified psychopathological condition.

In the work of "Sleep-wake States of Consciousness", there are cases where persons in question, has committed a crime in condition of sleep-wake consciousness. Such conditions, in the author's view are close to the visual disorder of consciousness and should be attributed to special situations. Such a situation is very rarely encountered and is only episodic in human life. Their characteristic is that the acts committed are not complex in nature and are completely unknown for the criminal.

To the origin of these conditions, the author argues, that effective and easily intoxicated moments are important. The person should not be held liable for the crime committed in such a situation.

The work of "Simulation of Mental Illness" is a monograph, which, among other issues, analyzes the assessment and critique of various current trends in criminal law. The said work of G. Shengelaia is remained unfinished.

3. The Right of Criminal Law, Criminality and the Question of Studying the Criminals³

In present article G. Shengelaia analyzes a collection of laws of Justinian and finds that Justinian's Corpus Juris was guided not only by the external signs and amount of damage caused by criminal, but also he found new component in crime - the criminal himself - his personality, his civil value.

³ *Shengelaia G.*, Examining the Issues of Right of Criminal Law, Criminality and Criminals, Contemporary Medicine, №9, Tbilisi, 1927, 451-456 (in Georgia).

G. Shengelaia thinks that criminology had been fallen into the hands of scholars, canonists and Jesuit lawyers, leaving it to be in arbitrary situation and only the movement of enlighteners of 17th-18th-centuries shattered medieval doctrines and shed light on the criminal law of the day.

According to G. Shengelaya, Beccaria, Montesquieu, Voltaire, Kant, Herbert and Hegel have transformed criminology completely. The classical school of criminal law, founded by Anselm Feuerbach, views criminality as a peculiar attitude that emerges between criminals and state. G. Shengelaia also discusses the shortcomings of the classical school, adding that *Nullum Crimen, Nulla Poena Sine Lege* is characterized to this School.

As regards to the Positive Criminology, G. Shengelaia focuses on Italian physician Cesare Lombroso and his theory. The criminal is a hereditary, atavistic, primitive type who lost the ability to tolerate, the institute of public life. G. Shengelaia also cites Garofalo and Dorado's assertions that crime is not a threat to society, but a criminal that carries all its negative qualities. That is why, in their own understandings, it is necessary to study criminal and not the act committed by him.

G. Shengelaia, despite criticizing Lombroso's theory, does not forget his merits before mankind, which are: Lombroso introduced the notion of determinism into the right of criminal law; he questioned the need to study criminals; a new, vital, sociological school of criminology was caught up in the controversy against it.

With respect to the sociological direction of criminology, G. Shengelaia looks at statistical method of Quetelet and analyzes its key aspects.

The proposal of Liszt, in 1884, supported by Liszt, Prins, Van Gemert is discussed, to set up an International Union for criminology whose scientific program would include a causal study of crime and ways to fight against it. It is said that, according to the Socialists, as long as there is a ruler and a subordinate, master and servant, rich and poor, e. i. there is conflict between the classes, the fight against crime will be futile. Thus, socialist-criminologists consider evil action dialectically, in terms of a material understanding of history (Marx, Engels, Kautsky, Ferri, Gernet, etc.).

After analyzing criminological schools, G. Shengelaia concludes that for a proper understanding of crime, scientific study of the components of crime is necessary and only then can each case be properly evaluated.

After criminological schools, G. Shengelaia speaks about the "Criminological Institute" opened in prison of Buenos Aires in Argentina and the "Penitentiary Anthropology" laboratory set up in Brussels, Belgium in 1907; four types of laboratories in the US; the Criminology Institute opened in Portugal in 1919, and the first Criminological Institute established in Russia, founded by the Council of Moscow in 1923, which was called the "Cabinet for the Study of Criminals and Crimes."

As it turns out, the Moscow-based criminological institute was promptly responded by other Soviet republics and cities, notably by Leningrad, Kiev, Odessa, Irkutsk and Yerevan.

On October 10, 1925, in Tbilisi, the Department of "Psychiatric Examinations and the Scientific Study of the Criminals" was opened at the Psycho-Neurological Institute, with ten beds.

G. Shengelaia also describes what kind of positive work this department has done and what is still needed for having a truly criminological institution in Georgia.

4. Conclusion

Mr. Giorgi Shengelaia's scholarly legacy is a clear proof of his profound knowledge and practical experience, as well as how Georgian criminology had been developing in general in the first half of the twentieth century.

We think that examining the job done by G. Shengelaia is important, not only in terms of the study of the history of Georgian criminology, but we are sure that analyzing each piece of G. Shengelaia's work, his conceptual views and factual materials accumulated through his research, will contribute to a proper understanding of contemporary criminological issues and the development of the field of Georgian criminology.

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