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Some Theoretical Considerations around the Plurality of Crimes' Concept

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Abstract: The Plurality of Crimes constitutes a complex concept, with a special relevance to the understanding of the Crime's nature and of its Penalty System. In the Romanian Doctrine, the debates over this subject have started early, at the beginning of the XXth Century, and are still in play, making of the Plurality of Crimes an open topic. I tried to organize the different points of view expressed in the Doctrine, to figure out the Concept's Historical Evolution, and to grasp the actual tendencies in the Romanian Legal Literature and Practice, with a particular insight into the influences from other EU Legal Systems. I attempted to draw a conceptual delimitation between the Apparent Plurality and the Real one. The Historical Trend goes towards a broader application for the Plurality of Crimes' Concept, coupled with solutions of unification in the Penalty System. This Study could be useful in getting penal norms better suited for the present dynamic social life.

Keywords: Plurality of Crimes; Apparent Plurality; Real Plurality

1. Introduction

Plurality of Crimes, or Plurality of Offences (in British and European Jurisdictions), or Plurality of Offenses (as the Americans spell it), designates the situation when a multiplicity of penal law's violations is committed by the same author. An offence of a Criminal Law could be based on one or several actions or inactions. No particular theoretical problems raise the cases that have a clear and unequivocal relationship between the deed or deeds and the crime. In that unquestionable category, it is placed the simple Unitary Crime and the so-called Real Plurality of Crimes, understood as a simple offence, based on a single deed, against a single victim (Unitary Crime) and, respectively, as multiple offences, based on one or many actions/inactions, against one or more passive subjects (Plurality of Crimes). Within the last concept, which integrates three legal forms, no special attention draws for me, at this topic, the Relapse and the Intermediate Plurality of Crimes, because in both of these institutions the Plurality of Crimes is well established in the term's definition. A completely different unfolding has received the third form (Concurrence of Offences), that could be perceived, in some cases, as an Apparent Plurality (meaning, in fact, a real Unity of Crime), or, in others, as an Ideal, or Formal, or even

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„Intellectual” type of Concurrence (a very debated form of Cumul of Crimes), which opens up to various solutions in Doctrine and in Jurisprudence.

The importance of the present topic could hardly be overestimated. Since the real life doesn't follow the Penal Code, and the human actions have, more often, a certain degree of complexity, it happens sometimes that some acts, loaded with penal relevance, must be translated, or adapted, to the legal texts, in order to elucidate their nature, their proper retribution, or their statute of limitations clause. Usually, when the solution inclines to see the multiplicity of crimes as a Unity, declaring it an Apparent Plurality case, the penal treatment is milder, except the case when the legislator institutes a third crime, based on a combination of the crimes involved in the action, to which the law attributes a level of perilousness higher than that of the constitutive crimes combined (as an example, this is the case of Robbery, a distinct complex crime, that mixes unlawful taking of property with putting a victim in fear or using the physical violence). The milder treatment is reflected by the absorption of the lesser crimes' penalties in the gravest offence's one (*Maior poena minorem absorbet*); on the contrary, in most cases, when the solution holds the plurality view, the penal treatment is more severe, applying the rules of the Arithmetic or those of the Legal Cumulation of penalties (*Maior poena cum aspiratione*).

The problem I deal with here could be decomposed twofold – a multiplicity of material acts that seems to be a Plurality of Crimes, but somehow it could be considered a Unity of Crime though, and, on the other hand, a single deed with multifaceted penal dimensions, that resembles a Unity of Crime, and nevertheless it could enter the realm of Plurality of Offences. The first part is referring to Apparent Plurality of Crimes, and the second to Ideal Concurrence of Offences.

2. Apparent Plurality of Crimes

The concept of Apparent Plurality of Crimes is engendered by a joint of more than one relevant penal deed that look like components of a single Crime or it has to be considered so by Law's will. Therefore, the Unity of Crime could be a Natural Unity, as in the case of Simple Crime, of Continuous Crime and of Deviated Crime, or Legal Unity, as it is Continued Crime, Complex Crime, Progressive Crime and Crime of Habit. G. Antoniu remarked that: „The Criminal Law in force doesn't contain dispositions that clarify the concepts of Natural or Legal Unity of Crime, nor dispositions that circumscribe the extent of these concepts. Some conclusions in that regard came from the Art. 41 C. pen., that defines Continued Crime and Complex Crime, as forms of Legal Unity of Crime, and also as forms of Apparent Plurality”. (G. Antoniu (coord.) et alia, 2010, p. 308). Some legislations regulate unity and plurality of crimes in the section dedicated to crime (e. g. Romanian Criminal Law, the Italian one), and others prefer to place this topic in the penalty section (e. g. German Criminal Law, the French one). This positioning is significant because it indicates two different ways of approaching the phenomenon.

Within Natural Unity category, a problematic figure is the Natural Unity of Crime with a plurality of contextual acts (Duvac, 2008, pp. 204-220). C. Duvac defines this type of crime, which he calls Collective Natural Unity, as an action that is included in the crime's structure and it's composed by a plurality of material acts. Fl. Streteanu considers as conditions of Collective Natural Unity (Fl. Streteanu et alia, 2009, p. 268): unity of action, legal homogeneity, unity of the passive subject (in majority of cases, a plurality of passive subjects implies a plurality of crimes). In order to illustrate that the several material acts, which forms the structure of a crime included in Apparent Plurality of Crimes category, represent in fact a unity, A. N. Trainin called them 'links' (Trainin, 1959, p. 127) of the unique criminal activity. On this line, Doctrine established a principle, that of contextualization, which renders a plurality of deeds a single crime, in some circumstances.

An interesting case is the murder against two or more people, theoretically a clear example of a Real Plurality of Crimes, which the legislator wanted to transform into an Apparent Plurality, creating a new complex crime named qualified murder, by absorbing multiple crimes of murder into a single crime, with higher levels of penalty (Dobrinescu, 1987, p. 85).

In the same direction, as exception from the rule that plurality of passive subjects implies plurality of crimes, the Supreme Court emitted a curious sentence (Bărbulescu et al., 2006, pp. 67-68) in which the recruitment of various people, in the same place and time, with a unique criminal resolution, for practicing prostitution, and transporting them abroad with aim of obtaining material benefits, constitutes a single crime, that of human trafficking and pimping! Multiplicity of passive subjects, in this case, was considered just an aggravated circumstance of a unique crime. Motivating this sentence, the Court notes that by applying the contextuality principle (same place, same time, same resolution) a Plurality of Crimes is to be excluded, and the plurality of passive subjects must be viewed only as an aggravating factor, a measure of the deeds' high level of social perilousness. In my opinion, this line of argumentation is in error, due to the fact that, especially in matter of Crimes against Person, the Court should have maintained the legal protection for each victim individually, and the sentencing should have considered instead a Cumul of Crimes in this case.

In matter of Offences against Patrimony, the dominant thesis in Doctrine is that a plurality of victims doesn't imply a Plurality of Crimes (Dongoroz et al., 1971, p. 460). The solution proposed in this criminal legal realm is by default Apparent Plurality and implicitly Natural Unity of Crime. The argument stressed by the proponents of this line of thinking is that the social value protected is the same no matter how many passive subjects are injured in a crime of this kind. Jurisprudence followed Doctrine in this issue, Courts' sentences arguing that either it's irrelevant that there are more injured people implicated (Tribunalul Județean Constanța, Decizia penală nr. 1387/1980, 1981) or that all it counts is the uniqueness of criminal resolution (Tribunalul Județean Hunedoara, Decizia penală nr. 169/1976, 1976).

Of course, there are others (Basarab, 1997, p. 84) who disagree. They argue that the existence of more than one victim means that there's more than one social relationship broken (Streteanu, 1996, nr. 2), more than one human value affected, and accordingly, how many patrimonies, so many offences (Pavel, 1995, nr. 2). M. A. Hotca goes on this path of thinking till the end, claiming that no matter the kind of the offence, the unity of crime cannot be admitted when there is more than one victim (Hotca, 2007, p. 446). V. Pătulea criticized this position insisting that the crime's nature must be established starting from the criminal deed, not from the social values involved (Pătulea, 1979, nr. 11).

The question debated is of fundamental conceptual importance, delineating the border between Real and Apparent Plurality of Crimes. If the deed dictates the crime's nature, the inner logic is guiding us in putting in doubt many of the cases where a cumulation of offences is recognized. On the other hand, if the social value protected by law is the center of the concept, then consequently Plurality of Crimes would gain terrain. An example for the latter way of thinking is C. Mitrache, who acknowledges the social value's dominance in the legal architecture: "When though by a single action several people are affected, it is no longer realized the content of a single crime, but a plurality of crimes, because several holders of social values are affected. Therefore, in Crimes against Person's cases, except those against life, the plurality of people harmed by a single criminal activity will determine a plurality of crimes; so many crimes, as many people harmed in their rights" (Mitrache, 2000, pp. 199-200). Within the domain of Crimes against Life, the legislator decided there is no cumulation of offences, when a single criminal action causes more than one victim. In these cases, by law, there are two kinds of unitary crimes: first degree murder and qualified manslaughter, both with a penalty increase of 3 years. C. Mitrache goes a

step further and proposes the same solution of Plurality of Crimes also in the realm of complex offences against patrimony, other than Robbery and Piracy, with multiple victims. An interesting case is outrage, an offence directed against both state's authority and individuals holding public authority. C. Mitache sees a Plurality of Crimes if there are several passive subjects in this offence.

Much discussion flared up over Deviated Crime. Authors argued that one (Bulai, 1987, p. 200), two (Duvac, 2008, p. 237) or none (Oancea, 1994, p. 140) of the forms of this offence must be considered a Real Plurality of Crimes. C. Bulai thinks *aberratio ictus* should be understood as Real Plurality of Crimes (Bulai, 1965, nr. 10) since punishable attempt cannot be absorbed into consummated offence in this instance. C. Duvac proposes *de lege ferenda* that Deviated Crime, in all its forms, is to be included in penal norms as a Cumul of Crimes, because always there are more than one offence involved (a punishable attempt and a consummated crime). The contrary line of argumentation, once again, stresses the action's unitary character, ignoring the social values' multiplicity in question, as many as the number of passive subjects. In my opinion, the C. Duvac's thesis suits reality better in this controversy.

Some authors (Papadopol & Pavel, 1992, p. 284) assess Progressive Crime as Plurality of Crimes, arguing there is a cumulation between the initial offence and the final one. C. Duvac criticizes this position, considering Progressive Crime requires the Principle of Consumption (Duvac, 2008, pp. 92-93), the final offence, graver, would absorb the initial one. Commenting on various hypothetical cases, discussed in Doctrine, G. Antoniu made the important remark that in many cases when there's a more severe consequence, a new and separate crime in itself, the offence's placement in Progressive Crime category is erroneous. This kind of crime requires the sequence to be a natural amplification of the objective element (Antoniou, 2010, p. 329). When the sequence flows naturally, he concludes, there's an Apparent Plurality and a single Progressive Crime, and when it isn't the case (e. g. someone executes a theft from the electrical grid and, by reconnecting badly the cables, after some time a major fire occurs; the sequence, G. Antoniu stresses, is not 'natural' in this case, since the electric power wouldn't amplify by itself the results of the initial theft; therefore, we couldn't consider a Progressive Crime in this instance, but rather a Real Plurality of Crimes – a theft and an unintended destruction by fire), Plurality of Crimes is, instead, the correct answer.

A particular attention, in Progressive Crime, draws *res judicata* question. In some cases, between the criminal deed and its ultimate consequence, it intervenes the sentencing. If we consider the ultimate consequence a completely new crime, and the whole ensemble a Plurality of Crimes, the question is solved easily – there's no *Non bis in idem* objection, but rather a new crime with a new trial (Biro, 1971, pp. 71-73). Another approach is to think the ultimate consequence as the same crime, but with a different legal classification (Dobrinescu, 1970). To circumvent the *Non bis in idem* problem, we have to look for a sentencing's revision. One author (Czika, 1998) proposes *de lege ferenda* a consequence showing up after sentencing to be admitted as a cause for revision. The rules governing penalty recalculation don't apply here, remarks C. Duvac, since they are referring to new actions or inactions, not to amplified effects of the same deed (Duvac, 2008, p. 249). As we could see, considering Progressive Crime as Apparent Plurality, in these instances when the ultimate consequence occurs after sentencing, raises an insurmountable problem with *Non bis in idem*. A better solution, as I see it, is to classify the ultimate consequence as a new crime, and the whole ensemble as an Ideal Cumul of Offences, a Real Plurality of Crimes species.

Continuated Crime is viewed as an Apparent Plurality of Crimes by majority of Doctrine, being a unity created by law. Some (Antoniou et al., 1971, pp. 13-14) argue the prevalence must be granted to the resolution's unicity over the multiplicity of actions. This topic was much debated in Italian Doctrine, where a wide range of solutions were presented, from considering Continued Crime as a Real Unity

(Gramatica, 1934, pp. 251-254), not a fictitious one, to viewing it as a Real Plurality of Crimes (Bettioli, 1966, p. 552).

The debate reverberated in Romanian Doctrine, some authors (Bulai & Bulai, 2007, p. 504) saying Continued Crime is a unity only because the law decided so, but in fact it's undoubtedly a Plurality of Crimes. M. A. Hotca went even further, contesting the existence of this kind of offence, in his opinion, objectively, there's no difference between Continued Crime and Real Homogeneous Cumul of Crimes (Hotca, 2007, p. 389). Majority of Doctrine (Fodor, 1965, nr. 4) accepted, though, this legal institution, considering it a single offence with some elements of plurality, a species of Apparent Plurality of Crimes. I. Fodor reckoned unity of crime couldn't be sustained if the participation form (author, co-author, accomplice) changes during the various actions contained in Continued Crime (Dongoroz et al., 1971, p. 285). Dominant opinion dismissed the objection (Papadopol, 1985) arguing that crime's unity is not put in question if participation's acts have different contributions of the offender. An important aspect in classifying Continued Crime is the time factor – if time's interval is too short, it should be considered a Simple Crime (Contextuality Principle), and if it's too long, the unity of resolution is jeopardized, Apparent Plurality being replaced by Real Plurality of Crimes, as M. Basarab put it (Antoniou et al., 2006, vol. I, p. 575). I find quite convincing the argument that invokes resolution as demarcation criterion between the two kinds of plurality in this case. Jurisprudence decided factual homogeneity is not a mandatory condition for legal homogeneity, if resolution's unity is preserved (C. A. Constanța, d. p. nr. 11/1997, 1997).

German Doctrine sees Continued Crime as a single offence, with a penal treatment milder than the Cumul of Crimes' one. This solution was criticized by some German authors (H. Blei, H. H. Jescheck, J. Wessels) who propose *de lege ferenda* relinquishing this legal institution and replacing it with a Cumul of Crimes. In Italy, Continued Crime was introduced for the first time in the Zanardelli Code of 1889 and improved in the Penal Code of 1930. A Penal Law, promulgated in 1974, admitted for Continued Crime, besides repeated violations of the same legal disposition, infringements of different penal norms. Such an expansion of Continued Crime's legal definition is pretty doubtful, some authors remarked (Fiandaca & Musco, 1994, p. 604), and opens up a devious way to circumventing the Real Plurality of Crimes. Fortunately, in my opinion, Romanian Law didn't follow suit, Italian Jurisprudence being affected by serious hesitations at identifying this type of offence (Fiandaca & Musco, 1994, pp. 608-610), resulting an authentic "interpretive chaos".

Usually, Complex Crime is viewed as Apparent Plurality, one offence, named absorbed crime, serving as means for another offence, called absorbing crime. Some authors made the crucial observation that Complex Crime requires offence-means being milder than offence-purpose. Otherwise (it is invoked the case of someone trying to cross a border illegally and murdering a border guard in the process), Apparent Plurality should be considered Real Plurality of Crimes (Papadopol, 1958, p. 575). This thesis is not universally accepted, as a matter of example, Philippines Legal System states that a Robbery with Murder is to be considered a special complex crime, with murder being absorbed into robbery (Article 294 of Philippines' Penal Code). Anyway, in all legal systems, it seems curious to me that Robbery, one type of Complex Crime, even though it combines an offence against patrimony with one, graver, against person, it's classified as a Crime against Patrimony (!). Another vital condition in Complex Crime is the existence of a strong connection between the component offences, of an 'objective reality' (Antoniou, 1967) that characterizes ensemble's criminal unity. If this condition isn't met, we should suppose a plurality of related crimes (Pavel, 1964), not a single unified offence. Absorption Principle determines some crimes to lose their penal autonomous relevance, as it's the case when someone tides up the victim in order to commit a robbery (we wouldn't have a deprivation of liberty in this case, the means being

absorbed by the purpose of robbery). If the perpetrator desists during action, and doesn't fulfill the purpose-offence, the absorbed crime could be reactivated, leaving up to the judge if the penalty considered is for one consummated offence or for a cumul of crimes, including a punishable attempt (Bulai & Bulai, 2007, p. 515).

Doctrine's conceptual fuzziness on this issue has resulted in contradictions in Jurisprudence. In a case of extreme violence exerted by a parent against his minor child, Romanian Supreme Court decided there is a single crime, murder attempt, not a cumul between this and crime of ill treatments of minor (C. S. J., s. p., d. nr. 1917/1994). The motivation was that ill treatments of minor constitute component acts of murder attempt, so they are absorbed into it. Later, Supreme Court emitted a decision in interest of law, in order to revise the previous solution, stating that, in interpreting the dispositions of the Article 197 C. pen., crimes of striking, injury, or illegal detention, are to be considered in concurrence of offences with the crime of ill treatments of minor, when the active subject is the parent or the person to whom the minor has been entrusted for upbringing and education (Î. C. C. J., s. u., d. nr. XXXVII din 13.10.2008).

3. Ideal or Formal Concurrence of Crimes

Arguably the most interesting and fiercely debated concept, placed right at the border between Real and Apparent Plurality of Crimes, is the notion of Ideal Concurrence of Crimes. Elegantly conceived by the brilliant German jurist, Fr. Carl von Savigny, in the XIXth Century, Ideal Concurrence of Crimes is defined as a unique criminal act that has multiple results which constitute more than one crime. Von Savigny thought this ensemble as an Apparent Plurality of Crimes, proposed applying Absorption Principle to it, arguing that not the result, but the action is the key element in defining the true nature of this legal institution. Von Savigny's influence was dominant in the Western World, almost all legislations adopting his point of view.

Romanian legislation has swung between various theses on this topic. The very first legal reglementation of Ideal Concurrence of Crimes in the Romanian territories was that of the 1878 Penal Code of Transilvania (Article 95), according to which a single act that violates various dispositions of penal law should be treated with the provision that establishes the harshest penalty (Dongoroz, 2000, p. 279). The 1864 Penal Code (Article 40) and the 1864 Criminal Procedure Code (Article 388 alin. 2) treated Concurrence of Offences indistinctly. That generated a debate in Doctrine if this law included in the same article both species of concurrence of offences (Pop, 1923, pp. 633, 642), or, on the contrary, the norm referred only to Real Cumul of Crimes (Frantostițeanu, 1895, p. 46). Interestingly enough, some authors from the era expressed already the opinion that the penal treatment was wrong, instead of absorption, a better suited solution being the legal cumulation (Cantili, 1879-1880, pp. 291-293); the main position, of course, was that favorable to the law in force (Condeescu, 1883, p. 31), praising the absorption system. The legislator felt the need to clarify the matter in the next penal law, the 1936 Penal Code, that regulated Real Concurrence of Crimes in the Article 101, the penal treatment being that of legal cumulation (*maior poena cum aspiratione*), and, separately, Ideal Concurrence of Crimes, in the Article 103, placing it in the absorption system's realm (*maior poena minorem absorbet*). The 1969 Penal Code (Article 33-35) preserved the novelty of regulating distinctly both forms of concurrence of offences, but decided upon the same penal treatment (that of legal cumulation). The 2004 Penal Code tried to accommodate the issue in discussion with the rest of the European legislations, stating in the Article 47 (3) that both of Concurrence of Crimes' forms would receive the absorption penalty system. Finally, the 2009 Penal Code, in the Article 39, goes back to the solution adopted by the penal law of 1969.

In Romanian Doctrine, the first thorough conceptual analysis of the issue was given by Ion I. Tanoviceanu, very much in tune with French and German Doctrine of the era (Tanoviceanu, 1912-1913). Tanoviceanu denied the existence of a Plurality of Crimes in this case, considering it a unitary offence. He accepted though that some authors could conclude there is space for multiplicity of crimes to be considered, but only in a 'ideological' sense, or in a 'formal' one, as by reference to legal norms. For Tanoviceanu, decisive in the matter it's the mandatory compliance with the principle '*Non bis in idem*', that imposes us to consider only the offence with the harshest penalty. R. Garraud opined: "Concurrence of Offences is nothing but an apparent one. It is rather a concurrence of qualifications" (Garraud, 1916, p. 193). J. A. Roux went a step further and affirmed there's no conceptual difference between concurrence of crimes and concurrence of norms (Roux, 1920, p. 92), rules applying to the latter must be extended to the former. In Romanian Doctrine, the Roux's thesis was defended by N. T. Buzea (Buzea, 1944, pp. 694-695). C. Duvac, legitimately, criticized the confusion of concepts, claiming concurrence of norms is a matter of one action, with one result and one offence, and with no problems other than spotting the right legal text (Duvac, 2008, p. 127). Early on in her work, M. Zolyneak shared the point of view that claims Ideal Concurrence is a misleading term, and there's no place for a word implying multiplicity in a concept that describes in fact a unitary crime (Zolyneak, 1971, p. 89). There were, of course, authors who defended the concept of Ideal Concurrence of Crimes and its right to exist as a distinct legal institution. From foreign doctrines, T. Pop mentions various writers – Merkel, Van Calker, Haus, Vidal, Prins, Werner, Fayer (Pop, 1923, p. 625). The famous Jean Pinatel embraced the same opinion, that an Ideal Concurrence is an intermediary instance between unity and plurality (Pinatel & Bouzat, 1963, p. 593), and it has the plain right to be mentioned in Criminal Law, and perhaps to receive its own proper penal treatment. And there is a third position, launched quite early on by R. Koestlin (Koestlin, 1855, p. 559), and shared by others – H. Fr. Habermaas (Habermaas, 1882), G. B. Impallomeni (Impallomeni, 1884) etc. These authors viewed Concurrence of Offences as a Real Plurality of Crimes. In this line of thinking registered also Vintilă Dongoroz, praised as founder of Romanian Penal Law, who offers an original and rich theory on the matter, considering the unique criminal action from Ideal Concurrence is containing, in a 'compressed form' (Dongoroz, 1939, pp. 332-333), multiple crimes. The same opinion was shared by T. Pop, who claims that violation of several penal norms implies always a Real Plurality of Crimes (Pop, vol. II, 1923, p. 629), and by M. Zolyneak, who suggested the demolition of Ideal Concurrence's nomenclature, thinking it as real as Real Concurrence of Crimes (Zolyneak, 1969, Vol. 15). V. Papadopol made an interesting observation that it's rather misleading to derive the nature of Ideal Concurrence only from the action. This represents only the objective side of crime, and thought separately, without the result, it has no criminal meaning. Therefore, proper placed in its objective and subjective structure, mixing together action, perpetrator's mental state, and results, the material act, even unique, it could fill the content of multiple crimes at the same time (Papadopol, 1965). V. Papadopol cites the following example – A wants to appropriate B's clothes, and taking advantage of B being drunk in the street, in a winter's night, A undressed B and left with his clothes. As consequence of this theft, B dies due to the severity of weather. G. Antoniu rallied himself to Von Savigny's thesis and to most of the European legislations, stressing that, in the matter discussed, the offender makes only one action, with one intent and one criminal resolution. Consequently, Plurality of Crimes in this case is a mere "legal fiction" (Antoniu, 1999). Most legislations consider Ideal Concurrence of Offences as an Apparent Plurality of Crimes (e. g. Germany, Austria), some don't have it as a distinct legal institution (France), and others view it as a Real Plurality of Crimes (Romania, except 2004-2009 period).

4. Conclusions

Acknowledging the disconcerting picture created by such a variety of theses and points of view, I think the matter requires a method of thinking, some criteria that could hold, or at least claim, some degree of conceptual universality. It's rather confusing to see that some authors define crime starting from the material act, others from the perpetrator's mental state, and even others from the social value protected by Criminal Law. The Absorption Principle, applied with not much conceptual comprehension, often simplifies problems, but at the same time obscures the crime's meaning and understanding. On one hand, as Domitius Ulpianus put it: "A delict cannot diminish the penalty of other", but, on the other hand, the good principle "*Non bis in idem*" imposes the difficult requirement of tracing a proper line between Apparent and Real Concurrence of Crimes. Some authors, acknowledging Plurality of Crimes, tend to disregard the principle "*Non bis in idem*", suggesting revisions of previous sentencing (if new offences, resulting from the same material act, were to be discovered after sentencing), and usually prefer to penalize Plurality of Crimes by legal cumulation system, if not by arithmetic cumulation one. Others have a milder approach and overlook, instead, the Ulpianus' principle mentioned above, opting for compressing various crimes into a single one, via Absorption Principle, or advocating for absorption system in establishing penalty for a Cumul of Offences.

As I noticed, an objection considered persuasive by some experts in penal law is that a single material act cannot sustain multiple crimes, translating a real unity into a legal plurality, they denounce, it's a fictitious enterprise. I think they are wrong though because, in the first place, there's no such a thing as a 'natural' ethics or law. Morality and legal norms are all artifacts, products of human imagination. Crime is a concept, a projection of human mind, that we impose upon reality. Therefore, a proper start would be recognizing the crime's true nature, its fictitious essence. This step will help us in surpassing a whole range of hesitations concerning the relationship between material acts, or criminal resolution, and crime. If the legislator constructed various crimes that a single act, based on a unique resolution, in some circumstances, could bring about altogether, there's no need to deny the plurality of crimes or to necessarily resort to Absorption Principle. The absorption process, of one crime into another, must be admitted more cautiously, and only in instances when the intrinsic character of deed makes unavoidable a unique classification. More often though, Plurality of Crimes should be acknowledged and each social value harmed in the action to receive its proper protection.

As Stanley A. Cohen put it: "It is beyond dispute that criminal punishment must serve a number of social goals: rehabilitation of the offender, deterrence, retribution and protection of society. No one of these is pre-eminent. To be just and effective, the sentencing judge must accommodate these competing demands" (Cohen, 1981). It's quite a challenging task to harmonize these four pillars of Criminal Policy. I could only hope that present lines would provide a little help in that matter.

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