

- **UNIT II –
CRIMINOLOGY & SCHOOLS OF
CRIMINOLOGY**

- **Synopsis –**
- What is Criminology
- Criminal behaviour
- Schools of criminology
- Pre-classical school
- The classical school
- Neo classical school
- Positive school
- Psychiatric school
- Socialist school
- Clinical school

- **Criminology** –
- **Definition-**
- The term “**Criminology**” is derived from the combination of two Latin words “**crimen**” & Greek word “**logia**”.
- Simply, it stands for **scientific study of the nature, extent, causes & control of criminal behavior.**
- This term was coined by Raffelo Garofallo in 1885.

- **Donald Taft –**
- Criminology includes a scientific analysis & observation of crime & criminals whereas Penology is concerned with the punishment & treatment of offenders.
- **Sutherland –**
- It is the body of knowledge regarding delinquency & crime as a social phenomenon & it includes within it, the process of making laws, breaking laws, and of reacting toward the breaking of laws.

- **Mannheim** –
- In its **narrower sense**, criminology involves the study of crime i.e. the forms of crime, their extent and causative factors responsible for them.
- In its **wider sense** it also includes penology, the study of punishment and of similar methods dealing with crime, and of the problem of preventing crime by non- punitive measures.

- **Dr. Kenny –**
- Criminology is a branch of criminal science which deals with crime causation, analysis and prevention of crime.

- **Criminal Behaviour –**
- **Meaning -**
- The behaviour of a criminal is known as “**Criminal Behaviour**”.

- **Prof. Sutherland –**

- He explains the **criminal behavior** scientifically in the following terms –

- 1) circumstances or the situation at the time of commission of crime, i.e. **mechanistic, situational or dynamic.**

- 2) processes operating in the earlier history of the criminal, i.e. **historical or genetic.**

- **Nature & Scope of Criminology**

- Criminology is, ordinarily, the **science of crime** & seeks **to study the phenomenon of criminality** in its entirety.
- Criminology as a branch of knowledge is concerned with those **particular conducts of individual behaviour** which are **prohibited by society**.
- It is therefore a **societal study** which seeks to discover the causes of criminality and suggest remedies to reduce crimes.

- Criminology consists of **two main branches**
- **i) Criminal Biology –**
- It investigates causes of criminality found in the mental & physical constitution of the deviant, &
- **ii) Criminal Sociology –**
- It deals with enquiries into the effect of environment as a cause of criminality.

- Criminology, penology & criminal law are inter-related fields. Penology deals with the custody, treatment, prevention & control of crimes.
- Criminal law seeks to implement policies envisaged by criminology & penology (the formulation of criminal policy essentially depends on crime causations & factors correlated therewith).
- The object of criminology is to study the sequence of law making, law-breaking & reaction to law breaking from the point of view of the efficiency of law as a method of control.

- The science of criminology aims at taking up **case to case study of different crimes & suggest measures to 'reform' the offenders.**
- **Liberalization of punishment** for affording greater opportunities for **rehabilitation of offenders** has been accepted as the **ultimate object of penal justice.**

- The most significant aspect of criminology is **its concern for crime and criminals**.
- It presupposes the study of criminal with basic assumption that **no one is born criminal**.
- It treats **reformation as the ultimate object of punishment** while **individualization** (treatment accorded to each individual according to his personality) the method of it.

- Criminology also seeks to create conditions conducive to social solidarity in as much as it tries to point out what behaviour are obnoxious and anti-social.
- The ultimate object is to render a crimeless society so far as possible with a view to achieving social harmony.

- Broadly speaking, Criminology deals with the legal psychiatric aspect or the medico-psychological, biological, pedagogical or sociological aspect of criminality & the factors related therewith.

- **Prof. W. A. Bonger** preferred to study theoretical criminology under the following sub-heads –
 1. Criminal Anthropology
 2. Criminal Sociology
 3. Criminal Psychology
 4. Criminal Psycho-neuro-pathology
 5. Penology.

- **1. Criminal Anthropology –**
- It seeks to understand the personality of the offenders in physical terms.
- **Cesare Lombroso** explained the criminal behaviour in terms of **physical characteristics of the offender &** emphasised that criminals were different physically from normal persons & possessed inferior physical characteristics.

- **2. Criminal Sociology –**

- It is based on **Sutherland's theory of differential association** which explains criminal behaviour as a process of learning through association with other criminals .

- **3. Criminal Psychology –**

- It seeks to correlate criminality to **emotional aspect of human nature**.

- **4. Criminal Psycho - Neuro - Pathology –**

- It attributes criminality to **functional deviations & mental conflicts in the personality of the offender.**
- The factors such as inferiority complex, frustration, depression, anxiety etc. may lead a person to commit crimes.

- **5. Penology –**

- It concerns itself with the **various aspects of punishment & penal policies.**
- The various mechanisms of punishing the offenders are also studied under penology.

Importance of Criminology

- 1) Criminology deals with the **crime and criminals**.
- It supposes that no one is born criminal.
- It treats reformation as the ultimate object of punishment while individualization the method of it.

- 2) It offers a background for **profession & an opportunity for social workers.**
- The **police, lawyers, attorneys, judges, probation officers, detectives** as far as possible with a view to attaining social harmony.
- Other specialists such as psychologists, sociologists, psychiatrists, etc. need perfect knowledge of criminology & administrative machinery for criminal justice system for their professional pursuits.

- 3. With the advance of scientific knowledge & technology led to an enormous increase in crime rate & many new crimes which were unknown have emerged.
- The modern criminologists keep themselves acquainted with the **new criminological developments** and **work out strategies** to tackle these intricate problems for the protection of society.
- 4. The ultimate object of criminology is **to render a crime-free society**.

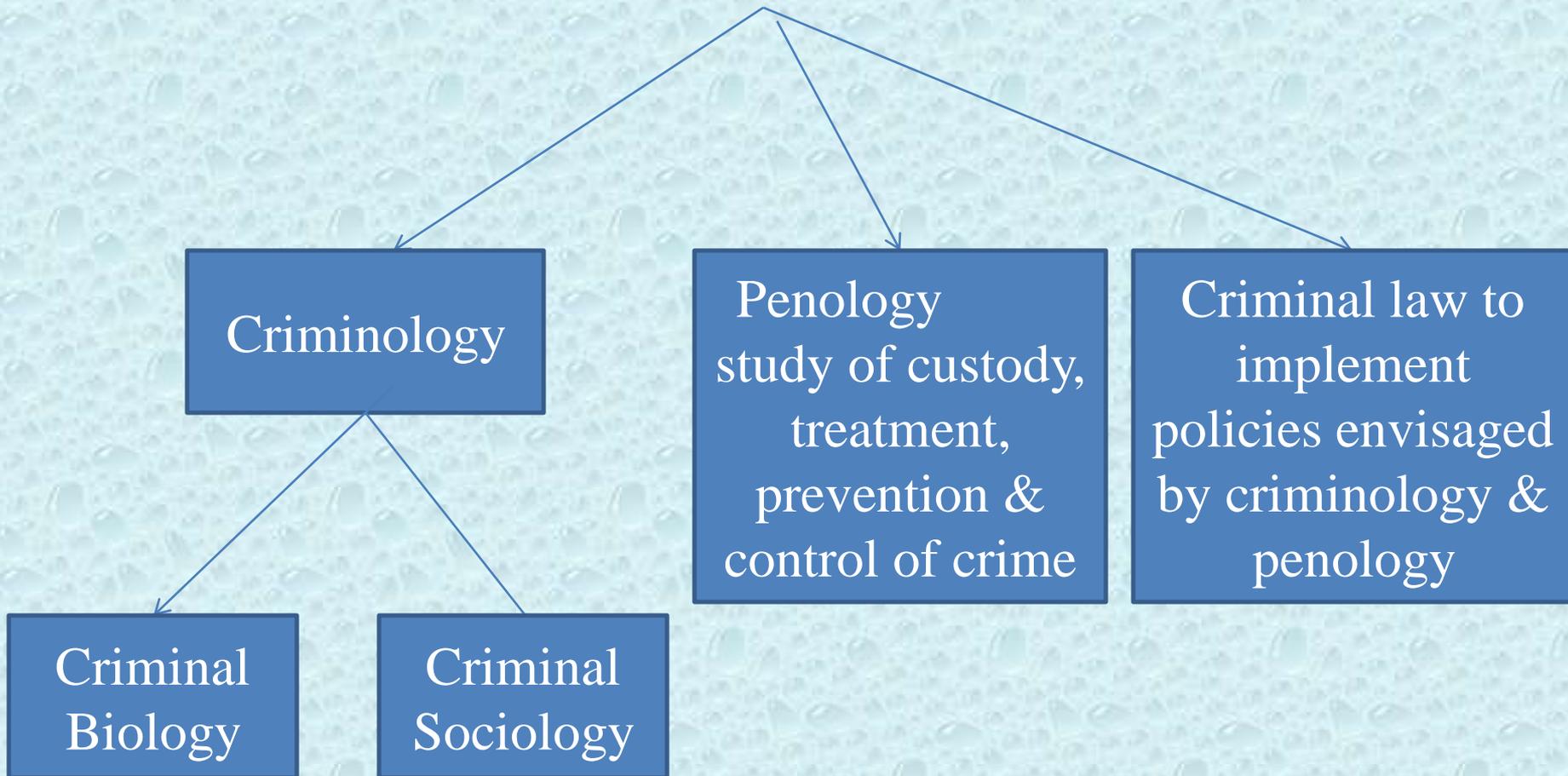
Objectives of Criminology

- 1. The ultimate object of criminology is to curb the criminality within human being by effective administration of criminal justice & not the humanity within the criminal.
- 2. It implies to study the sequence of law- making, law breaking & reaction to law-breaking from the point of view of efficacy of law as a measure of crime-control.

- 3. It focuses on **causation of crime & criminals**.
- 4. It deals also with the variety of branches of social sciences such as **sociology, economics, biology, psychology, statistics, topography, political set up** etc.
- 5. It is **interdisciplinary** in nature.

Inter-Relation between Criminology, Penology and Criminal Law

Criminal Science



- **Schools of Criminology –**
- A school of Criminology is **a system of thought together with supporters of that system.**
- The schools have developed during the last two centuries.

- **Various Schools of Criminology –**

- I. Pre-Classical School
- II. The Classical School
- III. Neo- Classical School
- IV. The Positive School
- V. The Socialist School
- VI. The Sociological School
- VII. The Cartographic School
- VIII. The Economic School
- IX. The Multiple Causation Theory.
- X. The Mental Testers
- XI. The Clinical School

Classical school

Positive school

1. This school defined crime in legal terms.

1. It rejected legal definition of crime and preferred sociological definition.

2. It placed reliance on free-will theory.

2. It explained crime in terms of biological determination.

3. It believed in deterrent and definite punishment for each offence and equal punishment for all criminals committing the same offence.

3. It advocated treatment methods for criminals instead of punishment and that criminal be punished not according to gravity of his crime but according to the circumstances associated with it.

4. It focussed greater attention on crime, namely, the act rather than the criminal.

4. It laid greater emphasis on personality of the offender rather than his criminal act.

5. The main exponents of classical school were Beccaria and Bentham.

5. The main exponents were Lombroso, Ferri and Garofalo.

6. It was a 18th century dogma which attempted to reform the criminal justice system in order to protect criminals against arbitrary discretion of judges.

6. It was a 19th century doctrine which emphasised on scientific method of study and shifted emphasis from crime to criminal and from retribution to corrective methods of treatment.

- **1) Pre-Classical School Or Demonological Theory (17-18 Century) -**
- Being one of the oldest theory of the causes of crimes based on a **general belief that man by nature is simple & his actions are controlled by some super power.**
- A man commits crime due to the influence of some external spirit called **‘demon’ or ‘devil’**. Thus, an offender commits a wrongful act not because of his free will but due to the influence of some super power.

- **Criticism –**
- They considered crime & criminals as an evidence of the fact that the individual was possessed of devil, or demon and the cure for which was testimony of the effectiveness of the spirit.
- Worships, sacrifices and ordeal by water & fire were usually prescribed to specify the spirit and relieve the victim from its evil influence.
- **(17-18 century)**

- The evolution of criminal law was yet at a rudimentary stage.
- Hobbes suggested that fear of punishment at the hands of monarch was a sufficient deterrent for the members of early society to keep them away from sinful acts which were synonymous to crimes.
- The pre-classical thinking however, withered away with the lapse of time & advancement of knowledge.

- **II. The Classical School /Free Will Theory (1775) -**
- Beccaria, the pioneer of modern criminology, laid greater emphasis on **mental phenomenon** of the individual & attributed crime to **‘free will’** of the individual.
- Thus, he was much influenced by the utilitarian philosophy of his time which placed reliance on **Hedonism**, namely, the **“Pain and Pleasure Theory”**.
- **Features:** Shifted focus on the **personality** of an offender rather than religious fallacies & myths.

- **The Main Principles of Classical School –**
- Reasoning rather than fear is responsible for behaviour.
- **Act** rather than intent **is the basis of criminality.**
- Punishment through pain, humiliation & disgrace is the principal method to curb crime.
- Prevention of crime is more important than punishment.

- Punishment should be individualized keeping in view the pleasure derived. It should be equal for all.
- Arbitrary powers of judges & torturous punishments are a strict.
- Criminal law should be based on positive sanctions.
- Proponents - **Becarria, Bentham, Romilli**
- **Criticism -**
- No attention to the state of mind.
- No distinction between first vs habitual offenders.

- **III. Neo-Classical School (1748-1832) –**
- Based on **Scientific approach**.
- **Extenuating situations or mental disorders** play a significant role.
- The rule of equal punishment for all as advocated by Classical school is not correct.
- Distinction between first offenders & recidivists.
- Some attention to be given to **mental causation**.
- Normal person is self determining & responsible for his conduct. But those lacking normal intelligence need to be treated differently.

- All criminals whether responsible or irresponsible must be kept away from society.
- This theory paved the way for **different correctional institutions such as parole, probation, reformatories, open air camps** etc.
- Based on **subjective approach** concentrating on the conditions under which an individual commits crime.
- Proponents - **Young, Walton & Taylor**

- **IV. Positive School/ Italian/Typological School –**
- Neither free will as suggested by classical nor innate depravity as suggested by neo classical is the real cause.
- Real cause is **anthropological features of a criminal.**

- **Main Exponents –**

- 1) Cesare Lombroso (1836-1909)
- 2) Enrico Ferri (1856-1928)
- 3) Garofalo (1852-1934)

- **1) Cesare Lombroso (1836-1909) -**
- Italian Psychiatrist
- Individual is the centre point of penology instead of crime & punishment.
- He classified criminals into **three main categories**
- **i) The Atavists or Hereditary Criminals –**
- Beyond reformation
- **ii) Insane criminals -**
- Commit crime due to mental disorder
- **iii) Criminoids -**
- Suffering from inferiority complex

- **Contribution of Lombroso –**
- 1) Individualization
- 2) Biological nature
- 3) Impact of environment
- However at a later stage, Lombroso himself discounted his theory of atavism & extended his theory to **social & economic situation of criminals.**

- **2) Enrico Ferri (1856-1928) -**
- Besides mere biological reasons other factors such as **emotional reaction, social infirmity & geographical conditions** play a vital role.
- Crime is the synthetic product of three main factors -
 - **1) Physical or Geographical**
 - **2) Anthropological**
 - **3) Psychological or Social**

- Basic purpose of any crime prevention programme should be **to remove conditions responsible for the crime.**
- He classified criminals into **five categories -**
 - 1) **Born criminals**
 - 2) **Occasional Criminals**
 - 3) **Passionate Criminals**
 - 4) **Insane Criminals**
 - 5) **Habitual Criminals**

- **3) Garofalo (1852-1934) –**
- Crime is an act which offends the **sentiments of pity (karuna/daya) & probity (imandaari)** possessed by an average individual.
- **Lack of pity leads to crime** against person & lack of probity leads to crime against property.

- **Classification of Criminals by Garofalo –**
- **i)** Murderers or endemic criminals
- **ii)** Violent criminals affected by environmental influences such as prejudices of honour, politics & religion
- **iii)** Criminals lacking in sentiment of probity/ Beimaan (beimaan)
- **iv)** Lascivious or lustful (tharki)
- Advocated death, life imprisonment or transportation & reparation (badla ya kshatipurti).
- Strongly advocated elimination of habitual offenders who were incapable of social adaptation.

- **V. Socialistic School (19-20 century) –**
- Main exponents - **Karl Marx & W. Bonger**
- **Karl Marx-**
- Crime is the result of class struggle or class conflict between the rich (haves) & the poor (have not's).
- Poor people commit crime to feed themselves or fulfill their bare necessities.

- **William Bonger** –
- Greedy & selfish nature inspire a man to do his own welfare through some way or other.
- Artificial scarcity, exploitation of child & woman, unhealthy competition etc. all lead to crimes.

- **Criticism-**
- Economic aspects alone are not the cause of crime. Sudden provocation or other compelling conditions may lead to crime.
- White Collar Criminals are exception to this proposition.
- Economic aspect is one of the factors but it is not the only factor.

- **VI. Sociological School (19-20 Century) –**
- **Imitation** is the only main factor of causation of crime.
- Following are the methods of learning by process of imitation -
 - 1.Attitude.
 - 2.Differential Association
 - 3.Compensation
 - 4.Frustration
 - 5.Individual differences
 - 6.Interaction Group
 - 7.Membership of inactive group
- **Exponents** – Trade, Bonlistz, Prins, Van Hamol etc.

- **Main Principles of this school-**
- **1.** Criminal behaviour is a result of some process of other's behaviour.
- **2.** Social changes which cause crimes happen due to following reasons:
 - i) Struggle of cultures
 - ii) Competition
 - iii) Socio, economic & political changes
- **3.** Higher density of population
 - i) Inequitable distribution of Wealth
 - ii) Education or employment
 - iii) Process of changes

- **Criticism –**
- 1.Immitation is not the only factor, sudden provocation or other compelling circumstances could be the cause.
- 2.This theory is applicable in areas inhabited by the criminals. At places inhabited by educated and law abiding citizens, this theory has little application.

- **VII. Cartographical /Geographical/Ecological School (1830 –1880)**
- Cartography is the study & practice of making & using maps.
- Cartographic Criminology imagines the ways maps can inform & shape our criminological knowledge.
- It represents or examine the relationship of criminality to the physical environment & other social factors.
- It serves as the stepping stone between the classism of Becarria & the positivism of Lombroso.

- **Using of maps to plot crimes** within a certain geographic area.
- It uses **mathematics & statistics along with cartography** to locate criminality
- Crime mapping is a powerful decision making tool for investigators, supervisors & administrators to compact crime & criminal behaviour.
- **Proponents** – Lambert Quetelet & Andre Gurre

- **Hot Spot Theory of Criminology –**
- **The** spatial clustering of reported criminal incidents
- Eg. Small places in which the occurrence of crime is so frequent that it is predictable

- **Important Points –**
- 1. Crimes are committed more in unfavourable circumstances & less in favourable conditions.
- 2. Thickness of Population - Less in sparsely populated, more in densely populated.
- 3. Season- More in summer, less in winter
- 4. Natural Resources - Less in plentiful, more in unfertile, deserted or hilly areas.
- 5. **Montesquieu - C**riminality was more near the equator & drunkenness near the poles.

- **6. Quetlet – Thermic Law of Crime –**

- In the countries with warm climate, the crimes against human violence were more in number while in the cold countries, the crimes against property were more in number.
- 7. Crime rate is lower in the areas of fertile lands & crime rate is higher in the areas of barren & unirrigated areas.
- 8. Excess temperature causes irritation in human beings & inspires them to commit crimes.

- **Criticism -**

1. Cartographical factors can be one of the reasons but not the only reason.
2. Crime is more personality oriented phenomenon.
The mentality & conduct also matter.
3. Conditions may change but criminal tendencies don't change.

- **VIII. Economic School –**
- **Aristotle –**
- Crimes originate from poverty.
- Necessities of life & greed for superfluous things result in crime.
- **Plato –**
- Human greed is a potential cause of crime.
- Poverty results in hunger, misfortune, disease & anger destroying the personality of an individual making him do unwanted things.

- **Russell** –
- Food prices & crime go hand in hand.
- **R. H. Walsh** –
- Depression, unfavourable economic periods result in increased crime.
- **Goring** –
- There is a proximate relationship between the crime & occupation of the criminal.
- **Trade** –
- Crimes are result of a man's crave for luxurious life on account of industrial impact on him.

- **Dr. Morrison** –
- A great exponent of Indian caste system.
- He observed that there is a peculiar undercurrent of economic soundness in Indian Caste system where every member of caste could find himself completely safe & secure from economic standpoint.
- **Dr. Bonger** –
- Failure of socialistic economies have firmly established supremacy of capitalistic economy. While establishing a relationship between economic condition & crime.

- **Dr. Bongar (Economic Theory of Bonger of Criminality)**
- 1. Almost 79% criminals belong to **non-profitable class**. Crimes relating to property increase during depression.
- 2. **Economic conditions** like unequal distribution of wealth, hoarding etc. lead to **unemployment** ultimately leading to alcoholism, vagaboundary etc.
- 3. **Economic booms & depression** are recurrent in nature leading to insolvency, bankruptcy leading to isolation & criminal tendencies.

- **4.Competition** leads to fall in cost of production & increase in quality. But at times it may lead to infringement of patent rights, trade marks etc.
- **5.Employment of Children & women leads to crimes.** Increased spending power with children coupled with lack of maturity may lead to bad habits like gambling, drinking etc.
- **6. Women employees** are susceptible to **sex crimes**.

- **Criticism –**
- **Cohen** has criticised the economic theory of Bonger of Criminality.
- **Cohen** - Honesty is not the monopoly of the rich. Even big shots engage in falsification of accounts, infringement of trademarks, hoarding, copyright crimes etc.
- Arson, willful damage & sex crimes are frequent among labour class, agriculturists, seamen & soldiers while persons engaged in commercial occupations commit crimes of acquisitive nature or property related crimes.

- **IX. Multiple Causation Theory –**
- Crime committed not attributable to a particular factor.
- A/c to **Enrico Ferri**, different causes of crime are –
- **1) Anthropological**
- **2) Physical factors**
- **3) Social factors**

- **1) Anthropological Factors –**

- Age, sex, civil status, profession, domicile, social rank, instruction, education, organic constitution

- **2) Physical Factors –**

- Race, climate, fertility, metric conditions & temperature

- **3) Social Factors –**

- Density of population, emigration, public opinion, customs & religion, public order, economic & industrial conditions, agricultural & industrial production, public administration of public safety, public instruction & education, public beneficiaries, civil & penal legislation
- There could be more & this list is not exhaustive.

- **Criticism –**
- **Dr. Cyril Burt -**
- There is no single source of crime.
- White collar crimes are because of greed & not need.
- Violent crimes are result of revenge, lust, greed etc.

- **X. Mental Testers –**
- **Exponents –**
- H. Goodard , Goring, Sigmund Freud, Jean FD, Esquirol & Isaac Ray etc.
- Mental deficiency & animal behaviour can be determined by employing psychometric tests.
- Ability, aptitude & personality assessment.
- **H. Goodard-** Mental deficiency in almost half criminals.
- **Goring** - Mental deficiency is a major cause except cleverness in case of fraud.

- **XI. Clinical School (19-20th Century) –**
- The proponents - **De Greeff & C. Anderson.**
- Criminal is a product of his biological inheritance conditioned in his development by experiences of life to which he has been exposed from infancy up to the time of the commission of crime.
- Personality of a man is a combination of internal & external factors.
- The punishment should depend upon the personality of the accused.

- This theory takes into account **variety of factors** for explaining crime causation.
- It provides that, the criminals who do not respond favorable to correctional methods must be punished with **imprisonment or transportation for life** while those who are merely victims of social conditions should be subjected to **correctional methods such as probation, parole, reformatories, open-air camps** etc.

- Individualization has become the cardinal principle of penal policy in modern penology. This is known as ‘**Correctional Trend of Reformation through Individualization**’.

Sr No	Name of the School	Proponents	Principles
1.	Pre-Classical School	Saint Thomas Aquinas	Super-natural power, demonology, witchcraft
2.	Classical School	Cesare, Beccaria	Hedonism – Pain & Pleasure Theory, Free Will Theory
3.	Neo-Classical School	Bentham	Subjective approach, mental disorder, correctional measure
4.	Positive/ Italian/ Typological School	Cesare, Lombroso, Raffaele Garofalo, Enrico Ferri, Trade	Born criminal, morphological & anthropological.

Sr. No	Name of the school	Proponents	Principles
5.	Cartographic/ Geographical / Ecological School	Adalphe Quetelet, Guerry	Geographical, social & cartographical
6.	Sociological /Rational school	Sutherland, Healy Walter	Differential association, social disorganization, multiple factor theory, age, race, sect etc.
7.	Socialist school	Bonger, Marx, Engel	Crime & economy
8.	Clinical school	Anderson, De Greef	Biological inheritance & exposure to life

SR NO.	NAME OF THE SCHOOL	PROPONENTS	PRINCIPLES
9.	Economic School	Aristotle, Plato, Russel, Walsh, Bongar, Morrison, Trade etc.	Poverty, greed, food prices, depression, economic condition etc. are the causes of crimes.