

# Criminology



## Schools of Criminology

Dr Shubhangi Panchal  
Asst. Prof, Dayanand College of Law, Latur.



# Introduction

- Society dominated by myths, religious tenets ---no attention was paid to motive, environment, psychology.
- No study of causation of crime
- Hence punishment also haphazard, irrational and arbitrary



# Punishments



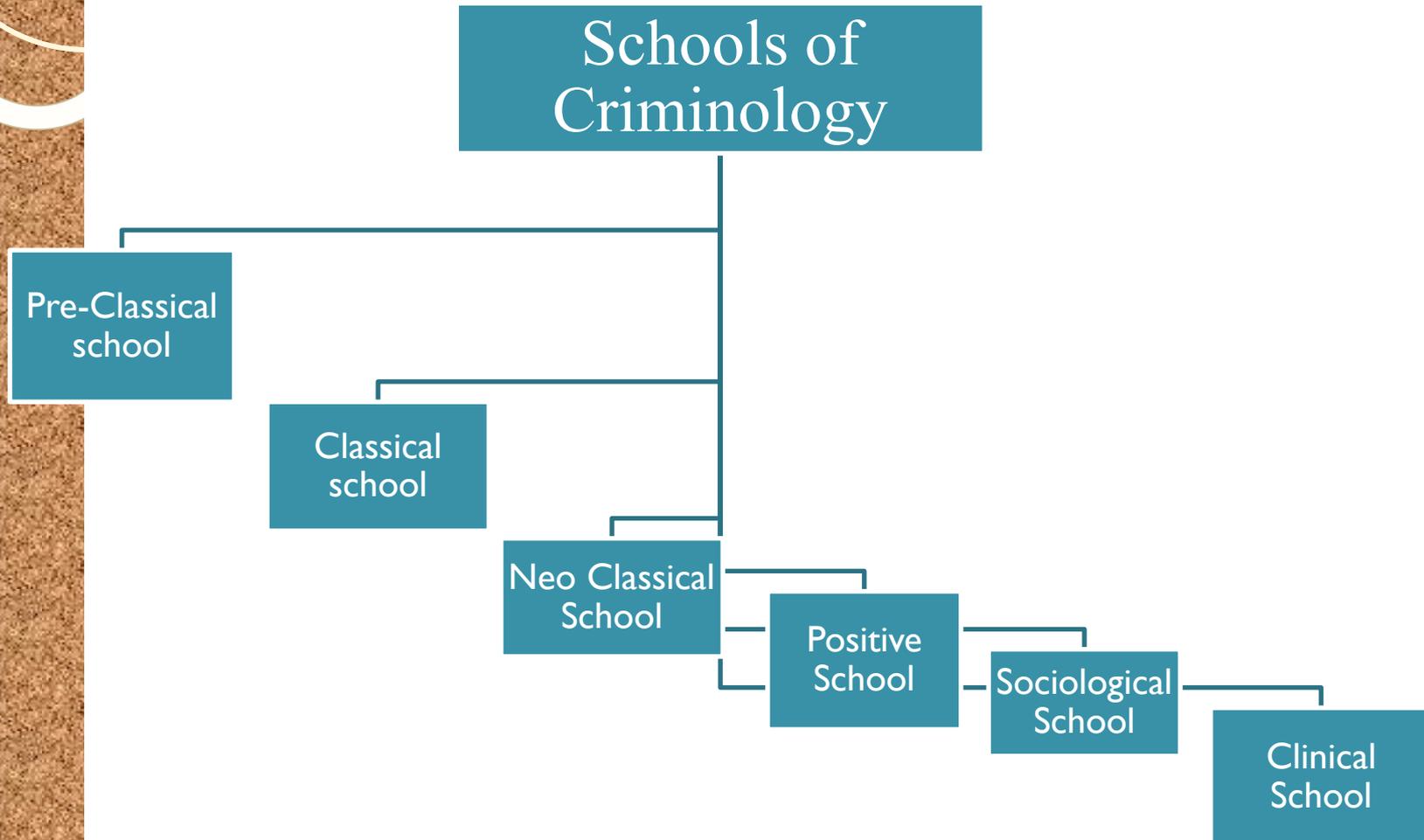
# Schools of Criminology

- Founder of modern criminology ----- systematic study of criminology.
- Prof. Sutherland:  
School of Criminology connotes the system of thought which consist of an integrated theory of causation of crime and of policies of control implied in the theory of causation .

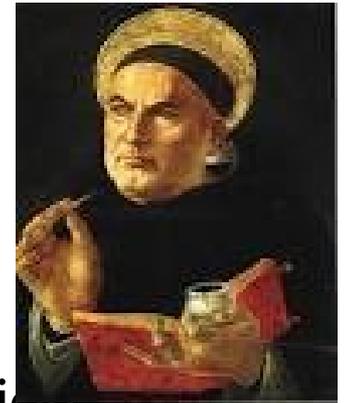
- Cesare Beccaria



# Schools of Criminology



# Pre Classical School.



- 17<sup>TH</sup> –18<sup>TH</sup> Century
- Saint Thomas Aquinas----dominance of religion
- Man commits crime due to evil spirit, demons ,devils
- Worships, sacrifice and ordeal to pacify evils
- Trail by battle
- Criminal was considered as innately depraved and cured by **torture and pain**
- In India also oaths and ordeals were practiced till advent of Britishers; even in Christian countries.

# Classical School



- 18<sup>th</sup> century ---Beccaria rejected omnipotence of evil spirit and laid emphasis on mental phenomenon of individual

- Attributed crime to '*free will*' of the person

- Influenced with Utilitarian theory of 'pain and pleasure.

- Main Tenets :

1. 'ACT' and 'not his intent' as the basis criminality --- theory is based on the assumption that an individual can control his conduct by exercising his power of will thus it is self generated, and self-control. Fear of punishment can control him.

# Classical school

Criminologist focused on crime rather than intent---absence of concept of causation of crime.

Prevention more imp than punishment--  
-Stressed need of Criminal code for France Germany and Italy.

Becarria--- “Aim of punishment –to prevent criminal from committing crime and also to others”.

Supported the right of the State to punish the offenders in the interest of public security



Based on pain pleasure theory----Punishment on individualistic basis---quantity and method of punishment in close proportion of crime



Punishment should consider the pleasure derived by the criminal----and pain suffered by the victim.



Certainty of punishment and loss of everything should be emphasized

# Importance and Contribution

**Rationalized thinking**

**Suggested need of substantial criminal policy as better than arbitrary punishments.**

**Received wide acclamation in west and gave a filip to criminological thinking**

**Beccaria raised voice against severe punishments and torture to death**

**Tried to humanize the criminal law**

**Supported by Voltaire as a result many countries changed their law reducing barbaric punishment and even abolishing death penalty.**

# Drawbacks

**Proceeded on abstract presumption of free will and relied only on 'act' of the criminal**

**No thinking of 'state of mind'.**

**Prescribed same punishment for same offence.**

**Thus no difference between first offenders and hardened criminal and no differentiation for gravity of offence**

# Neo Classical theory

- Improvement over classical theory
- Emerged as application of man's *reason* as a *responsible* person (understanding nature and consequences of his act)
- *Denied equal treatment* for all types of criminals.
- Asserted that *categories of criminals* as minors, idiots, insane, or incompetent to be treated differently
- Distinction based on *mental depravity* of criminal.

- *Main features:*
- Study on *scientific lines* ---accepted certain mental disorders as causes thus opposed equal punishment.
- First to make distinction between first offenders and recidivists-----support individualization
- ‘Responsible’ –acting on reason and intelligence and ‘irresponsible’ offenders.
- Recommended lenient treatment to irresponsible offenders(mentally depraved)

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- Asserted separation of criminals from the society
  - Difference between sanity and insanity paved way for correctional treatments-----
  - Attention to the fact that all crimes have cause --- though limited to psychological
  - Subjective Approach --focused on conditions of crimes commission.

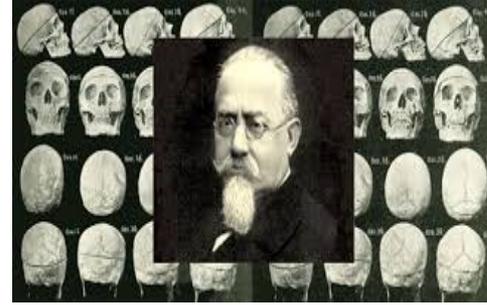
## ❖ Contribution :

- Suggested individual may commit crime in extenuating circumstances ...
- Antecedents, motives, life history, general character..should be considered for punishment.

## ❖ Drawbacks

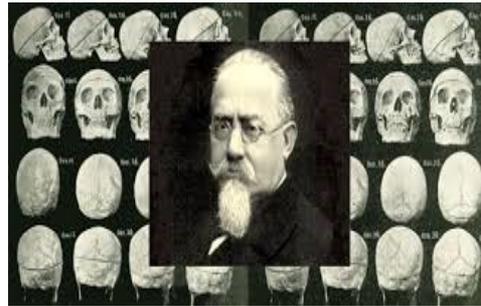
- Criminals responsible/irresponsible is menace to the society
- Should be eliminated
- Free will and responsibility abstract notions

# Positive school



- 19<sup>th</sup> century ---some French doctors established that real cause of criminality is anthropological
- Four distinct types:
  1. Physical Criminal Type
  2. Mental Type
  3. Psychopath type
  4. Socio-economic disadvantaged type.

- Main advocates are Italian criminologists Viz Cesare Lombroso, Raffaele Garofalo, Enrico Ferri –Hence Italian School
- **Cesare Lombroso 1836-1909**



- Educated in medicine and specialist in psychiatry— handled mentally affected soldiers. Wrote book , ‘the criminal man’ in 1897 of 1903 pages
- First to employ scientific methods in explaining the criminal behavior and shifted the emphasis from crime to criminal.

## Cesaro Lombroso (1876)



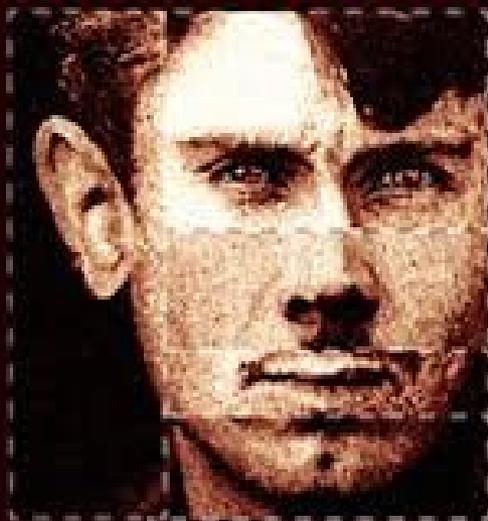
The criminal is a separate species, a species that is between modern and primitive humans.

The physical shape of the head and face determined the "born criminal".



*Illustrations from Lombroso's Uomini Delinquenti, showing some of the "physical defects" that the author believed to be distinguishing marks of criminals.*

# CRIMINAL MAN



Cesare Lombroso

TRANSLATED AND WITH A NEW INTRODUCTION

by Mary Gibson and Nicole Hahn Rafter

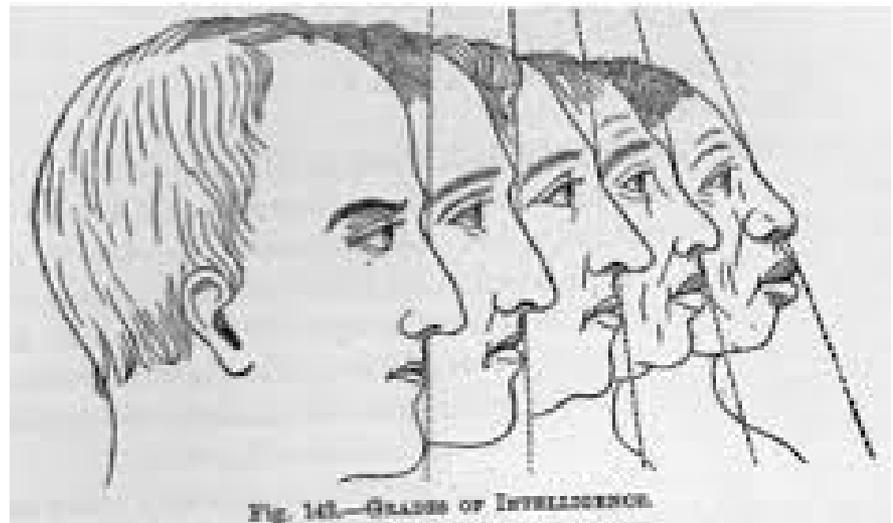


Fig. 141.—GRACES OF INTELLIGENCE.

- Objective empirical study
- Intensive study of physical characteristics of his patients and criminals---concluded that they are of physically inferior and hence tendency for inferior acts.
- Criminals are less sensitive to pain hence little regard for others pain.
- Classified criminals as:
  1. The Atavists or hereditary criminals
  2. Insane
  3. Criminoids

## 1. **The Atavists or hereditary criminals**

- These are born criminals---do not refrain from crime hence no relevance of environment.-----incorrigibles
- They resembled apes ---primitive-- physically and mentally inferior---and thus have apelike characteristics.
- Physical characteristics as indicator of criminality.
- He told 16 characteristics---peculiar size of head, enlarged jaw, cheek bones, fleshy lips abnormal teeth, dark skin ,twisted nose, etc

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- **Insane Criminals:** resorted to criminality because of mental depravity or disorder
  - **Criminoids:** physical criminal type and committed crimes to overcome inferiority complex
  - First to study the personality of criminals in physical terms
  - Used scientific methods
  - Shifted focus from crime to criminals
  - Criminals possess few characteristics like inferior animal world.

# Criticisms

- Goring after his research -- comparing criminals and non criminals--- concluded that nothing like physical criminal type
- Opposed the view that criminality could be inherited.
- Gabriel trade— psychologist criticized Lombrosion view and offered social explanation of crime—learning behaviour.
- Widely understood that atavism or concept of hereditary criminal not scientific---
- ‘Lombrosian myth’

- Prof Sutherland, “ by shifting the attention from crime as a social phenomenon to crime as an individual phenomenon , Lombroso delayed for 50 years the development of criminology and also did not make any lasting contribution of his own”

- **Importance**

Donald Taft ---great effect on criminology and penal practice

Rejected free will theory and proceeded on scientific methodology.

## 2 Enrico Ferri 1856-1928

- Challenged Lombrosian view of criminality
- Believed that mere biological factors are not enough but other factors such as emotional geographical social infirmity etc responsible for criminality
- Theory of criminal saturation—crime is product of three main factors
  1. Physical or geographical
  2. Anthropological
  3. Psychological or social.

## 2 Enrico Ferri 1856-1928

- Crime is result of various factors having combined effect on individuals
- Change in society—inevitable—leads to disharmony, conflicts cultural variations.
- Crime is a result of condition which played criminals life - -- hence basic purpose of crime prevention should be to remove such conditions.
- **Classification**
  1. Born criminals
  2. Occasional Criminals
  3. Passionate Criminals
  4. Insane Criminals
  5. Habitual Criminals

## 2 Enrico Ferri 1856-1928

- Suggested intensive programme for prevention of crime---and recommended for treatment of criminals.
- Punishment– possible means of reforming criminal
- Favored indiscriminate sentence--- in view of chances to reform and readjustment in society
- In his book ‘Penal Project’ denied punishment for retribution

### 3 Raffaele Garofalo 1852-1934

- Magistrate in Italian Courts----raised to position of Minister of Justice 1903
- Eminent Jurist, varied experience and professor in Criminal Law
- Stressed need to closer study for circumstances and living condition of criminals.
- Criminal is creature of his own environment.
- Rejected free will and stated , ‘ crime is offends sentiments of pity and probity
- Lack of pity—offences against person
- Lack of probity--- offences against property

### 3 Raffaele Garofalo 1852-1934

- Classification:
  1. Murders- “Endemic” criminals --- lacking pity and probity
  2. Violent criminals—affected by Environment influences like honour , politics, religion—lack of pity
  3. Criminals lacking sentiments of probity---thieves
  4. Lustful criminals—crimes against sex and chastity
- As member of judiciary– experience and knowledge of law ---recommended death, imprisonment for life or transportation
- Witnessed failure of correctional measures hence not very optimistic about reformation.
- Recommended elimination of habitual offenders.

# Sociological School



- Need to study impact of social and environmental conditions
- American Criminologists did not support that crimes occur due to personality traits.--- -but attributed to social conditions.
- Americans were the first to extend study beyond legal concept. Sociologist went further to study the crime causation

And suggested that crimes depend on large extent on the social extent

At times crime even after knowing the penal consequences.eg crimes during political upheavals.---dharna, gherao , strikes

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- Raffaele Garofalo—sociological definition of crime—‘ all those acts which no civilised society can refuse to recognise as criminal and redressible by punishment’
  - Crime is an immoral and harmful act which is regarded as criminal by public opinion because it is injury to so much of the moral sense as is represented by one—violations of pity and probity.
  - Sociologists assert that every crime involves three essentials:
    1. Values appreciated by law makers – politically dominant.
    2. Conflict of interests in society due to environmental variations
    3. Use of force by the offenders

Dr Walter Reckless, ‘chances of the criminal being detected depends upon his position in the society social status residence etc.

# Sociological Theory of Crime

- Criminal are product of the society.
- Impact of sociological factors is so great that either to shun or embrace
- Prof Sutherland --intensive study--- two explanations of crime :
- 1 Processes operating at the time of occurrence of crime—**DYNAMIC EXPLANATION** of crime.
- 2 process operating in earlier life history--**-GENERIC EXPLANATION**

- **Dynamic expln.**— cause of crimes in immediate favorable situation –feels conducive for the criminal.eg embezzlement, misappropriation of funds, sex offences, thefts.
- **Generic explanation** —from past experiences considers a particular situations considers a particular situation as conducive.
- **Conclusions.**
  1. Criminal behavior is learnt and not inherited
  2. Process of learning—thru Interaction with other criminals ---association
  3. Influence of Intimate group –moulds conduct
  4. Sutherlands Differential Association----criminal and non criminal group ---constantly counteracting
  5. Association may vary acc to duration, priority, intensity.

# Theory of Differential Association

- By Edwin Sutherland in 1939
- Crime is learning behavior—by association with criminals.
- Personal contacts with others.
- Learning in context of crime involves techniques of committing crime and justification and the attitude---eg theft for poor
- Learns sympathy for poor and theft is wrong ----but becomes criminal if exposed to thoughts favouring crime.

- Thus the theme is that a person becomes criminal if there is an excess of influence on him favorable to violation of law as compared with influences unfavorable to violation of crime.
- It regards criminality as a consequence of social process operating in the society.
- Indian—Integrated family system—homogeneity of society----less crimes
- Development of science technology—nuclear family---multiplicity of crimes
- Prof Sellin---same conduct different response in diff.group of persons. Eg Bigamy u/s 498

# Multiple Factor Theory

- No singular explanation of crime. Crime is product of combination of variety of factors.
- Prof Healy, “It is not one or two factors which turn a man delinquent but it is a combination of many more factors which cumulatively influence him to follow criminal conduct”
- Extent and degree of influence may vary...

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- Mobility
  - Culture conflict
  - Family Background
  - Political Ideology
  - Religion and crime
  - Economic condition
  - Ecology of crime
  - Influence of Media
  - Neighbourhood influences.