

Assignment topic

Individualistic Approach to Explanation of Criminal Behaviour - Premise & Strategies

Criminal Behaviour

Criminal behaviour particularly violent and antisocial behaviour, is considered to be a major social problem with complex causes. Crime is an act which is both forbidden by law and revolting to the moral sentiments of the society and Criminal behaviour occurs when individuals are not properly socialised and thus do not feel bound by the laws, rules, and mores that have been established by society.

Criminal behaviour must necessarily involve a perpetrator and a victim. Criminality is the quality or state of being criminal. It is known that a myriad of environmental, social, and psychological factors are associated with increased risk of convictions for this type of criminality.

Individualistic Approach to Crime

To understand approaches to crime, it is necessary to understand crime. A crime may be an act of disobedience to a law forbidding or commanding it. Crime would mean something more than a mere disobedience of law. "It means an act which is both forbidden by law and revolting to the moral sentiments of the society."

A. Demonological Theory – Pre Classical Approach

The theory that the crime, was the result of a man acting under the influence of and succumbing to the blandishment of evil spirits is perhaps the oldest one. During 17th Century the idea of religion was dominating the social thinking. The views of St. Thomas Aquinas had a great influence. The monarch was treated as a divine power on the earth and the human beings were treated as devoid of any power as they were under the control of some other super spirit. A criminal was regarded under the control of some demon spirit prompting him to do the mis-

deeds. The criminal was regarded as a depraved person deserving deterrent punishment.

B. Free Will Theory — Classical Approach

Beccaria, Bentham and Romilly are the pioneers of the classical school. According to this school, the man is possessed of free-will and he acts on the basis of the pleasure and pain (i.e., hedonism). This school rejected the theory of offenders acting under the influence of some devilish spirit. The punishment is a discouragement to the man to commit the crimes as there will be no gain by the crime. The State should alone have the power to keep the force and prosecution. By bearing the punishment, the criminal becomes a free man as by paying the penalty he repurchases his freedom. To Beccaria, basis of the punishment is to restrain the individuals from encroaching upon the freedom of the others which they enjoy by virtue of a social contract. The punishment aims to preserve the existence of the society.

The punishment must be prompt and effective as it is not the cruelty of punishment but its certainty so that the accused may not derive any gain by committing the crime.

C. Organic Deficiency Theory – Positivist Approach

Cesare Lombroso is the main exponent of this approach. He explained the concept of Atavism. Lombroso's general theory suggested that criminals are distinguished from non criminals by multiple physical anomalies. He postulated that criminals represented a reversion to a primitive or subhuman type of man characterised by physical features reminiscent of apes, lower primates, and early man and to some extent preserved, he said, in modern "savages". The behaviour of these biological "throwbacks" will inevitably be contrary to the rules and expectations of modern civilized society.

Through years of post mortem examinations and anthropometric studies of criminals, the insane, and normal individuals, Lombroso became convinced that the "born criminal" ("reo nato", a term given by Ferri) could be anatomically identified by such items as a sloping forehead, ears of unusual size, asymmetry of the face, prognathism, excessive length of arms, asymmetry of the cranium, and other "phys-

ical stigmata”. He believed that specific criminals, such as thieves, rapists, and murderers, could be distinguished by specific characteristics. Lombroso also maintained that criminals had less sensibility to pain and touch; more acute sight; a lack of moral sense, including an absence of remorse; more vanity, impulsiveness, vindictiveness, and cruelty; and other manifestations, such as a special criminal argot and the excessive use of tattooing.¹⁰ Besides the “born criminal” Lombroso also described “criminaloids”, or occasional criminals, criminals by passion, moral imbeciles, and criminal epileptics.

Another exponent Enrico Ferri accepting the views of Lombroso, gave emphasis on environment also. He described the crimes as the synthetic product of physical. According to Ferri, punishment is only one form of influencing behaviour and therefore he laid the emphasis on a detailed crime prevention programme by removing those conditions due to which the crime is caused.

Ferri described the following kinds of criminals:

- 1) insane,
- 2) born,
- 3) habitual,
- 4) passionate,
- 5) occasional.

Professor Earnest A. Hooton said the physical and racial factors as important in the crime. Criminals have inferior physical composition and thus they differ from non-criminals. According to him the ‘criminal stock’ needs to be eliminated. The sterilisation of defective type of persons and breeding the better race is necessary to check the criminality.

The positivists’ main contribution is regarding the theories of treatment that the juveniles and adults must be treated in different manner. The execution of sentence of the juveniles and adults has been left to the psychiatrists, criminologists and social workers. Fines, probation and parole as alternatives to incarceration are better. The

positivist approach suggests recasting of the role of judiciary. The positivist reformers emphasise separation of guilt determination from the sentence. The former is to be done by a qualified Judge while the latter by a social physician.

D) Mental Deficiency Theory

In 1838, Jena Esquirol of France pointed out in his book "Mental Diseases" the distinction between mental defect and mental disease. The similar view was taken by Issac Ray in U.S.A. and he raised the question whether the criminal act could be imputed to a man who was incapable of knowing the intent or consequences of the act. The studies made by Richard Dugdale and Henry H. Goddard in some of the alleged mentally retarded families give the impression of a proximity between the mental retardation and the crime. The less intelligent persons can be moulded as delinquents or law abiding persons. Mentally retarded persons easily become criminals.

Criminals have also been as more intelligent class as compared to the general public. The serious delinquents have been found not of lower intelligence. Dr. William Healy out of 4,000 case study in Chicago and Boston found 72.5% normal and 13.53 retarded. In another study of 400 cases of delinquents only

E) Emotional Disturbances

The abnormality of mind may occur due to physical and psychological reasons. The physical reasons may be brought about by diseases, toxic or poisonous products in the system, the age factor, malfunctioning of endocrine glands may cause pathological excitability, abnormal apathy, etc. By syphilis paresis may result affecting motor sensory-responses whereby it becomes difficult for an individual to control normally his reflexes. Senility may also affect the normal responses. Physical handicapness may also generate the criminality but this is not generally true. Majority of the physically handicapped persons adjust them with the norms operating in the society. The criminality in handicapped persons may develop because of certain other factors also when they are not accepted. The experiences, which a man has faced in his life from very childhood may create mental reactions, *i.e.*, complexes thereby making it difficult for him to face adult responsibilities. Extreme poverty, frustra-

tion, insecurity, rejection, failure in love, professional failures and economic conditions may create such problems. Suffering from the mental torture, the individual may tend to escape from the intolerable reality and may live in mental fantasy. Sometimes, such persons may develop aggressiveness and cruelty in behaviour.

F) Psycho-Analytical Theory

Sigmund Freud is the propounder of this theory. In committing a crime the 'id' and 'ego' play important roles. 'Id' is present from the birth. 'Id' is the basic biological and physical urge *e.g.* hunger, sex, auction, etc. It always operates in unconscious manner. 'Ego' a conscious personality for which a man remains aware that only a rightful way if getting these things is proper otherwise the society will cast aspersions on him. The relationship between 'id' and 'ego' brings out 'super-ego' which is a controlling factor of human beings. Thus the 'super-ego' acts as a self-restraint in every human being. A conflict between 'id', 'ego' and 'super-ego' goes on constantly. Due to weakness of 'ego' the personality problems arise resulting in the behaviours that are disapproved by the society.

The individualistic approaches to crime have lost much of the credibility with the advent of more sophisticated environmental theories. Their main weakness lies in the fact that they failed to understand that crime represents a socio-cultural phenomenon which is not associated with physical or mental capacities of an individual as such. But their importance lies in the fact that for the first time attention was paid to the personality of the offender which laid the foundation of modern criminology.

Major Concepts And Theories

Biological theories

Biological theories of crime asserted a linkage between certain biological conditions and an increased tendency to engage in criminal behaviour. In the 1890s great interest, as well as controversy, was generated by the biological theory of the Italian criminologist Cesare Lombroso, whose investigations of the skulls and facial features of criminals led him to the hypothesis that serious or persistent criminality

was associated with atavism, or the reversion to a primitive stage of human development.

The rate of criminality is higher among adopted children with one biological parent who is a criminal than it is among children who have one adoptive parent who is a criminal but whose biological parents are not criminals. The highest rates of criminality are found among children whose biological and adoptive parents are criminals.

Biochemical research in the 1980s and '90s attempted to identify specific factors associated with an increased risk of engaging in criminal behaviour. For example, certain neurotransmitter imbalances in the brain (e.g., low levels of serotonin), hormonal imbalances (e.g., higher levels of testosterone), and slower reactions of the autonomic nervous system appear to be associated with increased criminality. These factors do not absolutely determine whether a person will commit a crime; indeed, most people with these factors do not commit crimes. Instead, the presence of these factors merely increases the chance that the person will engage in criminal behaviour. Because these various biological factors may be influenced by environmental conditions, however, the direction of causation is unclear.

Psychological theories

Psychologists approach the task of explaining delinquent and criminal behaviour by focusing on an individual's personality. In particular, they examine the processes by which behaviour and restraints on behaviour are learned. These processes often are conceived as being the result of the interaction of biological predispositions and social experiences. Among the earliest psychological theories of crime were those based on the work of Sigmund Freud (1856–1939). Freud argued that human nature includes a great reservoir of instinctual drives (the “id”) that demand gratification. These drives are restrained by moral and ethical codes (the “superego”) that children internalise as a result of their great love for and attachment to their parents. Adults develop a rational part of their personality (the “ego”) that mediates between the drives of the id and the restraints of the superego. Because the id is a relatively constant drive, criminality is assumed to result from the failure of the superego, a

consequence of its incomplete development. However, the empirical evidence for this theory is thin.

Later psychological theories of crime were based on behaviour theory, such as that of the American psychologist B.F. Skinner (1904–90), who viewed all human behaviour—criminal and otherwise—as learned and thus manipulable by the use of reinforcement and punishment (see behaviourism). The social learning theory of Ronald Akers expanded behaviour theory to encompass ways in which behaviour is learned from contacts within the family and other intimate groups, from social contacts outside the family (particularly from peer groups), and from exposure to models of behaviour in the media, particularly television.

Beyond these broad psychological theories, it is sometimes argued that crime is associated with certain mental conditions. Mental illness is generally the cause of a relatively small proportion of crimes, but its perceived importance may be exaggerated by the seriousness of some of the crimes committed by persons with mental disorders. The closure of many American mental institutions in the 1960s and '70s thrust many mentally ill people into the surrounding communities, where some of them later became troublesome. Because authorities had no other place to put them, there was a strong tendency for mentally ill people to end up in jails and prisons. One particular personality configuration—antisocial personality disorder—is thought to be strongly associated with criminality. However, because the criteria for diagnosing the disorder emphasize committing crimes and engaging in crime like behaviour, it is unclear whether the disorder is a cause of crime or simply a label that psychiatrists use to describe people who happen to be criminals. In the 1990s, psychological research was focused on early childhood experiences that tended to lead to criminality in later life, including poor parental child-rearing techniques, such as harsh or inconsistent discipline. Research also isolated impulsivity—the tendency to engage in high levels of activity, to be easily distracted, to act without thinking, and to seek immediate gratification—as a personality characteristic associated with criminality.

Conclusion

Traditional approach defines crime in terms of violation of public law, whereas modern approach to crime emphasizes upon functional aspect of law. Theoretical explanation to crime involves individualistic and environmental approaches to crime. Individualistic approach to the crime for the first time paid attention to the personality of the offender which laid the foundation of modern criminology. Environmental approach to crime represents a socio-cultural phenomenon which is not associated with physical or mental capacities of an individual as such. Punitive approach is very traditional approach to crime, which is universal in nature. It regards the criminal as a basically bad and dangerous sort of person. The object of this approach is to punish the offender so that the society may be saved from his misdeeds. Therapeutic approach to crime is of relatively recent origin, which considers the criminal as a victim of circumstances and a product of various factors within the criminal and society. It regards the criminal as sick person requiring treatment. Different approaches to crime provide better basis for the determination of specific policies for dealing with crime and criminals.

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