CHAPTER I

INTRODUCTION
Crime, today, is a fact of life and its fear haunts every heart. Recent years have witnessed unprecedented advances in the field of technology, social and physical sciences. This has had its repercussions on the society in general. Enthused by his sense of power and his constantly increasing control over the forces of nature, man has grown extremely materialistic, competitive and restless. Pragmatism is the ruling cult. The soothing sobering effect of religion which preached contentment, is on the wane. In order to satiate his multiple needs and desires man strives to move at the fastest pace to derive the maximum benefit from the sophisticated scientific knowledge and to acquire worldly possessions. In so doing he focuses only on the 'end' and does not bother about the 'means.' The obvious result is an all time increase in anti-social behaviour and crime, especially in the developing countries like India. The crime statistics of India show that there was an increase of 56.20 per cent in cognizable crime during the decade 1968-78 while the rise in population in this decade was only 24.90 per cent (Crime in India, 1978).

Crime is bound to exist as long as society exists; for society imposes its code of conduct, norms and
A developing country, or for that matter, any country would wish to curtail the unproductive expenditure incurred on crime-control; so that the funds saved could be diverted towards productive activities. This is only possible if policies and programmes in the field of crime-control are framed in the light of relevant scientific research. In order to highlight the importance of applied policy-oriented research for the field of criminology, the United Nations Social Defence Research Institute convened a special Research Conference as a part of the Fifth United Nations Congress on the Prevention of Crime and Treatment
of Offenders in January 1976. To illustrate the above contention we may make a mention here of the Open versus Closed jails. The reformative trend is replacing the punitive, the retributive and the deterrent attitude in the prisons. The Open jails are taking the place of the old traditional Closed jails. But there is no empirical evidence available to bring out that the changed atmosphere provided to the prisoners in the Open jails brings about the desired results by way of reformation and a fall in recidivism.

Interest in the control and causes of crime has existed from time immemorial, but empirical studies towards this end are limited. Singh, U.P. (1973) observes that "little is known of the behavioural correlates of crime and therefore it is of prime importance that a systematic and scientific study be made to understand this problem of crime and the conditions associated with it. During the past few years some studies have been conducted on criminal behaviour in India, notable among which are Gupta and Sethi (1974), Singh, G. and Verma (1976), Singh, A. (1976), Jaspat (1977), Yadav (1976), Mohan and Singh, A. (1977, 1980) and Singh, A. (1979a; 1979b). In order to understand criminal behaviour it is imperative that the exact meaning of the term crime is understood.
CRIME AND THE CRIMINAL

The word 'crime' is difficult to define. An operational definition fulfilling the conditions of precision and unambiguity is given by Tappan, P. (1947):

Crime is an intentional act or omission in violation of criminal law (statutory and case law) committed without defence or justification and sanctioned by the State as a felony or misdemeanor.

An act or an omission of an act would constitute a crime only if the criminal intent or mens-rea is present. A criminal, to put it in simple language, is a person who has committed a crime. A person is designated a criminal only when his criminality is proved in a court of law. Crime is distinguishable from an anti-social act (psychopathy); it is punishable by law, while an anti-social act is not so. It would be an error to identify the criminal with a psychopath.

The term anti-social and psychopathic personality are used interchangeably to refer to personality characteristics and behaviour patterns that lead to serious difficulties in inter-personal relationship and bring the individual into repeated conflicts with the society. Psychopathic personalities are marked by lack of ethical
or moral development and are unable to follow approved modes of behaviour. Eysenck (1970) defines psychopaths as those, "who have manifested considerable difficulty in social adjustment over a period of many years or throughout life, but who are not of defective intelligence nor suffering from structural disease of the brain or epilepsy and whose difficulties in adjustment are not those of neuroses or psychoses. They are characterised by defects of emotional control, inability to profit from experience, impulsiveness, lack of foresight, infantile standards of conduct, lack of self-reliance, unsatisfactory adjustment to group, inability to withstand tedium, and irresponsibility of character. The psychopath can usually verbalize all the social and moral rules but he does not seem to be able to understand them and to obey them in the way others do . . . . There are many criminals who are not psychopaths; and there are many psychopaths who are not criminals. One reason for this is, of course, that what a psychopath does, although it may be criminal, is quite frequently not reported to the police. Secondly, the psychopath tends to be a bird of easy passage; he seldom stays in one place long . . . ." Thus a psychopath has characteristics distinct from a criminal.
Different theories have been put forth from time to time to explain the causation of crime. These will be briefly enumerated and evaluated in the ensuing text.

I. **PRESIENTIFIC THEORIES**

a) **Demonism**

The oldest theory propounded to explain criminal conduct was "diabolical possession and instigation."

(New Horizons in Criminology, p. 119, Barnes and Teeters). It was believed that the devil, the evil spirit infested the criminal and made him commit the crime. This theory is outmoded today.

b) **Freedom of Will**

This theory states that man is free to do as he pleases or to make his own choices that his behaviour is purposive and is based on hedonism. Therefore he must be disciplined through threats or rewards to confirm to the sanctions of society.

II. **BIOLOGICAL THEORIES**

The positivists substituted the doctrine of determinism for that of free will. The three stalwarts
in this field Cesare Lombroso, Enrico Ferri, Raffaele Garofalo agreed that crime should be studied through a scientific treatment of the criminals.

Lombroso (1835–1909) believed that the criminal is of different physical type than the non-criminal. He formulated the doctrine of evolutionary atavism that is the characteristics of primitive men (home delinquents) and of inferior animals periodically reappeared in certain individuals i.e. the criminals. Certain characteristics of the head and skull, lobeless ears, large and protruding jaws, low foreheads, small or receding chins and facial asymmetries were pointed out as “stigmata of degeneration” by him (Lombroso, 1911).

Enrico Ferri and Gering (1913) examined criminals and controls in separate studies and concluded that the results did not confirm Lombroso’s. Ferri gave more attention to environment and classification of criminals as born criminals, insane criminals, occasional criminals and passionate criminals.

III. PHYSIOLOGICAL THEORIES

Physiological theories postulate that behaviour can be explained by some physiological characteristics of the body.
1. **Phrenology**

The theory of phrenology is based on the proposition that the exterior of the skull corresponds to the interior and to the brain's conformation. Franz Joseph Gall (1758-1828) worked on this theory investigating the bumps on the skulls of criminals and insane. The brain can be divided into functions; those functions, or faculties, are related to the shape of the skull. “Corollaries to these propositions held that, in general, the brain was the organ of the mind, and that certain areas of the brain contained organs to which corresponded an equal number of psychological characters, or powers.”

3. **Endocrinology**

This theory postulated that the cause of crime is an imbalance of the endocrine glandular system of the offender. Recently studies of human males have found evidence of lower level of plasma testosterone (the male hormone) and lower sperm count measurements among exclusively homo-sexual males, in addition the behavioural traits of dominance, aggression, hostility etc. are being related presently to levels of circulating testosterone or its production.
3. Feeblemindedness

Goddard (1913) held that an association existed between feeble-mindedness and crime and delinquency.

4. Constitutional Inferiority

Hooton (1939) after making anthropological studies of several thousand prisoners and controls concluded that primary cause of crime was biological inferiority.

5. Body Type Theories

Sheldon et al. (1940) and Sheldon and Stevens (1942) differentiated three human somatotypes (body types) endomorphic, mesomorphic and ectomorphic. Sheldon opined that these somatotypes had temperamental correlates. Sheldon (1949), Eleanor, Sheldon and Glueck (1956) found delinquent youth predominantly mesomorphic.

Several recent studies support the findings of Sheldon and Glueck on the relationship of physical constitution and temperament (Gibbens, 1963; Eysenck, 1964; Cortes and Gatti, 1972). Sheard (1971) found differential effects of psychoactive drugs according to body type e.g. mesomorphic aggressive prisoners showed better treatment response to lithium carbonate than do ectomorphs.
6. Chromosomal Abnormality Theory

A typical male chromosomal complement is 46XY and a typical female complement is 46XX. Sometimes there is chromosomal abnormality; males having 47XXX complement or the 47 XXX complement. The 47XXX anomaly was first noted by Sandberg et al. in 1961. The presence of an extra Y chromosome in males was linked with criminal and violent behaviour (Nielsen, 1958; Casey et al., 1966; Forssman and Hambert, 1967; Teffer, 1968). However, there is no concrete evidence to date to establish a cause-and-effect relationship between this chromosome anomaly and criminal and aggressive behaviour. A few studies (e.g., Nielsen, 1970; Tsuboi, 1970) indicate that XYY offenders coming from broken homes have histories of crime. The 47XXX chromosomal abnormality due to an extra X chromosome in the males was recognised by Klinefelter et al. (1942). Their behaviour disorders comprise of disturbances in the sexual area e.g. homosexuality, trans-sexualism, pedophilia and other sexual aberrations (Mesler et al., 1960; Bakes and Steljes, 1968).

Latest research in the biological and physiological factors in criminality points towards
some more biological variables which are directly related to criminal behaviour. These are briefly:

1. Tumours and atrophic or other destructive or inflammatory processes of the limbic system, which result in marked behavioural abnormality. Personality changes, psychiatric disorders and aggressive behaviours have been noted in persons with brain tumours (Zemon and King, 1958; Fenton and Udwin, 1965; Malamud, 1967), sexual deviation in various forms e.g. exhibitionism, fetishism and transvestism has been shown in patients with brain dysfunctioning (Hunter et al., 1963; Walinder, 1965; Kelarzky et al., 1967; Epstein, 1969; Blumer, 1970).

2. Epileptic fits display peculiar behaviour disorders at different stages of the fit seizure.

Some biological variables more indirectly related to criminal behaviour are:

1. Perinatal birth complications which have an association with postnatal events that are class linked. The lower socio-economic group are not able to give good postnatal care with the result that the perinatal
complications are accentuated and behaviour
disorders manifest themselves in the individual.

2. **Minimum Brain Dysfunction** - Some children manifest
certain learning or behavioral disabilities which
are associated with nervous system dysfunctions.
These reading disorders and related behavioral
characteristics tend to increase the probability
of future identification of such individuals as
delinquents.

3. Genetic research both Old and New on Twin studies
by Lange (1931), Kranz (1936), Rosenthal (1970),
Christiansen (1968) indicates: given a criminal
who is a twin, the identical twin is about two-
and-a-half times as likely to be involved with
the law as compared to a fraternal twin.
Kysenek (1956, 1964), Vandenberg (1960),
Gottesman (1963) demonstrated certain concordance
for various personality and temperamental traits
e.g. depression, psychopathy, and introversion-
extroversion. A sophisticated adoption study
carried out by Schulsinger (1972) on Psychopathy
shows the possibility of genetic factors in the
etiology of psychopathy.

IV. **Sociological Theories**

The sociologists hold that different individuals
have different reaction to the environment and that the
criminal behaviour is acquired due to this interaction.
Some of the more important sociological theories are
briefly presented below:

1. Theory of Differential Association

Sutherland formulated this theory in 1947. It's
fundamentals are:

i) Criminal behaviour is learned.

ii) Criminal behaviour is learned in interaction with
other persons in a process of communication.

iii) The principle part of the learning of criminal
behaviour occurs within intimate personal
groups.

iv) When criminal behaviour is learned, the learning
includes

   a) techniques of committing the crime, which
      are sometimes very complicated, sometimes
      very simple;

   b) the specific direction of motives, drives,
      rationalizations and attitudes.

v) The specific direction of motives and drives is
learned from definitions of the legal codes as
favourable or unfavourable.

vi) A person becomes delinquent because of an excess
of definitions favourable to violation of law
over definitions unfavourable to violation of law.
vii) Differential associations may vary in frequency, duration, priority, and intensity.

viii) The process of learning criminal behaviour by association with criminal and anticriminal patterns involves all of the mechanisms that are involved in any other learning.

ix) While criminal behaviour is an explanation of general needs and values, it is not explained by those general needs and values since non-criminal behaviour is an explanation of the same needs and values.

2. Self Concept and Containment Theory

Walter Heckless and Simon Dinitz (1967) in formulating this theory pose the most vital riddle of criminal behaviour that needs to be solved i.e., why, given the alternatives of law-abiding and law-violating behaviour, some people turn to one or the other. "We live in a society of alternates, where the self has more and more opportunities for acceptance or rejection of available confrontations." (W. Heckless and S. Dinitz, 1967). The theory advocates that due to favourable socialisation in early life one develops a strong inner self, the self-concept, which directs an individual towards law-abiding behaviour. Unfavourable socialisation results in poor self-concept resulting
in weak inner direction (self or ego) that cannot help resist crime. A favourable concept of self acts as an inner buffer or inner containment against anti-social conduct. The gist of the theory is best explained in Reckless's own words:

"The assumption is that there is a containing external social structure which holds individuals in line and that there is also an internal buffer which protects people against deviation of the social and legal norms. The two containments act as a defence against deviation from the legal and social norms, as an insulation against pressures and pulls, as a protection against demoralization and seduction. If there are "causes" which lead to deviant behaviour, they are negated, neutralized, rendered impotent, or are paired by the two containing buffers."

Containment theory has the advantage of merging the psychological and sociological viewpoints of crime causation. It helps analyse the inner forces that propel one to crime as well as helps examination of the socio-cultural forces that shape one's motivation and personality. Reckless holds that the theory can be used in individual case history. It can explain crimes against the person as well as against property.
3. **Labelling Theory**

The central theme of labelling theory is that deviant behaviour arises from attempts to control. It is a response to activity on the part of those officially designated as "labellers" and "controllers."

Ullmann and Krasner (1969) working on this theory begin with two general axioms: any behaviour, even the most bizarre, may be learned, persons frequently take on the roles they have been assigned by others. People who are labelled 'deviant' behave differently.

Welkof (1975) distinguishes three key hypotheses of labelling theory as applied to criminology.

1. No act is intrinsically criminal.
2. The sequence of events from surveillance to the type of sentence received is a function of offender rather than offence characteristics.
3. Labelling is a process that produces eventually identification with a deviant image and subculture.

Studies by Hirschi (1970), Gold (1970) support this theory.

4. **Barrier Theories**

The underlying model of barrier theories is one
in which a man is shown as striving for a goal which he cannot reach as there is a barrier in his way (Ferracuto and Newman, 1976). Important among these are:

1) **External Restraint Theory** - Henry and Short (1954) propounded that the degree of legitimisation of other-oriented aggression consequent to frustration varies positively, with the strength of external restraint.

ii) **Merton's Theory of Anomie** - Merton (1968) postulated this theory on the assumption that persons who are denied the means to reach their goals get frustrated and resort to deviant behaviour. As it is the low socio-economic groups which are discriminated against; they have a greater incidence of deviant behaviour.

V. **Biopsychosocial Theory**

Cortes (1972) emphasised that constitution i.e. physique or body build is not fixed or unalterable but is the result of genetics and environment. He held that the mesomorphism and the poor environment together account for delinquency.

VI. **Psychiatric Theory**

The Psychiatric Theory as enunciated by Healy and
Brenner (1936) holds that delinquency is purposive behaviour that results when children meet frustration in their attempts to fulfil some of their basic drives. An in-depth study called the diagnostic case study was suggested as the method to unearth the cause of the delinquency and crime and to bring about the cure.

VII. **Psychoanalytic Theory**

This theory propounds that man is born with constructive and destructive tendencies - Aras and Thanatos (Life and Death); there is a reservoir of aggression present inside each man in the form of Id (Freud 1835-1939). These forces of life and death are in constant conflict with each other. This conflict of basic drives leads to functional behaviour disorders including criminality. Vold (1958) has summarised the psychoanalytic view of criminality in this way: "Criminal behaviour, under this general theoretical orientation, is to be understood, simply and directly, as a substitute response, some form of symbolic release of repressed complexes."

Alfred Adler (1870-1937) explained crime through his concept of inferiority complex; according to him commission of a criminal act is one of the best ways to get attention which compensates for the inherent inferiority complex in man.
C. G. Jung (1875-1960) popularised the concepts of extrovert and introvert which have been utilized in modern research of psychoanalysts with reference to psychopathy and recidivism.

David Abrahson (1944) believed that all past experiences are important as they may show up in future behaviours. He developed the following formula to explain crime.

\[ C = \frac{T + S}{R} \]

C stands for crime
T for tendencies
S for situation
R for resistance to impulses

He says that criminal behaviour is a result of the imbalance of the three elements in his formula, tendencies, situation and resistance.

VIII. **Eysenck's Theory of Crime**

Eysenck related sociological, psychological and biological factors to an interactionist theory to explain criminal behaviour. In 1964 he postulated his theory that anti-social conduct was evidence of lack of proper socialisation, that socialisation was itself due to the formation in childhood and youth of appropriate
conditioned responses. As these form less easily in extraverts, it was predicted that extraverts, particularly those with high Neuroticism (henceforth called N) scores, would be more likely than introverts to commit criminal acts. N, according to his theory, acts as a drive reinforcing extraverted tendencies favouring antisocial conduct.

In 1970, Eysenck implicated a third dimension of psychoticism in the causation of crime. The psychotic characteristics are trouble-someness, cruelty, lack of feeling, hostility etc. Studies have confirmed this formulation and Eysenck and Eysenck (1971a) argue that aggressive crimes and crimes involving unnecessary cruelty seem to carry implications of high Psychoticism (henceforth called P). Marriage (1975) studied long-term prisoners and concluded that violent and sex offenders are high on P. Eysenck et al. (1977) found violent and property offenders scoring high on P.

Thus, according to Eysenck's theory (1970) antisocial conduct and criminal behaviour would be manifested by persons whose personality placed them in high E/I, high N quadrant with high P scores.

EVALUATION OF THE THEORIES OF CRIME

In concluding this survey of the important theories
of crime, one cannot help but note that none of these by themselves are an absolute and complete explanation of crime. All criminological research suffers from logic-of-science error i.e. the dualistic fallacy. It is not realistically possible to obtain pure samples of either criminals or controls for obvious reasons. We have to see which out of these theories explains best the phenomenon of crime.

A lot of modern research is going on to establish some relationship between biological, physiological, endocrineological and genetic factors with crime. "Contrary to the beliefs of many American criminologists, the constitutional school is not dead. Research continues in this area" (J.B. Hoebuck, 1967). But the constitutional school has certain inherent handicaps. Hereditary and environmental influences are in interaction with one another from the point of conception of the human organism till his death hence it is almost impossible to segregate the contribution of heredity and environment to criminal behaviours. Besides modern genetic theory indicates that inherited traits are specific in nature. But criminal behaviour is not specific, it covers a wide gamut of activities. Many criminals engage in an assortment of
criminal acts. Genetic endowments cannot account for this variability.

The social structure and the sociological theories lack precise definitions of concepts and have no predictibility value. They neglect the individual and cannot explain why given an identical adverse social environment different persons behave differently, some turn criminals, while others do not.

Sutherland's Differential Association Theory has been criticised for ignoring "personality traits," or psychological variables. It does not specify the linkages between offender patterns and predisposing personality constellations, neither does it "isolate and explicate the ingredients of the processes by which individuals of some type get selectively recruited and canalised by social experience along different behavioural paths" (Gibbons, 1968). A summary evaluation of this theory given by Cressey (1966) states, "It also seems safe to conclude that differential association is not a precise statement of the process by which one becomes a criminal . . . it is not precise enough to stimulate rigorous empirical test, and it therefore has not been proved or disproved."
The psychiatric theories are considered to be least reliable firstly as the terms used in them are very vague. No operational definitions of 'id,' 'ego,' 'super ego,' 'unconscious' are given. Secondly projective techniques are open to the subjective interpretation of the analyst. Besides, these theories minimise the influence of social factors on human behaviour. The theories are defective as individual is the focus of their approach and that focus leaves no patterns of behaviour and prevents generalisation. They give as many explanations of criminal behaviour as there are individuals behaving in a manner called criminal.

The above discussion shows that the constitutional, the physiological, the social and the psychiatric approaches are of limited predictive value for crime. Causation of crime can be satisfactorily explained by a theory which spells out the specific constellation of personality ingredients assumed to accompany specific patterns of criminality. That is what Eysenck's interactionist theory does. It gives a comprehensive picture of causation of crime, combining the hereditary and environmental factors. He has advanced a chain of arguments, supported by experimental evidence to suggest
that personality in its totality as affected by different conditions gives rise to different types of crime or at least anti-social conduct. Studies by Lykken (1957), Mills (1971), Schelling and Holmberg (1970) support his conclusions. Eysenck's theory is quantifiable and can be put to empirical testing.