Section One: Introduction

1.1. Definition of criminology

Criminology maybe defined as **"t***he scientific study of the causation, correction, and prevention of crime"*. **Criminology** is the social science approach to the study of crime as an individual and social phenomenon. Although contemporary definitions vary in the exact words used, there is considerable consensus that criminology involves the application of the "scientific method" to the study of variation in criminal law, the causes of crime, and reactions to crime.

Criminological research areas include the incidence and forms of crime as well as its causes and consequences. They also include social and governmental regulations and reactions to crime. Criminology is an interdisciplinary field in the behavioral sciences, drawing especially on the research of sociologists and psychologists, as well as on writings in law. An important way to analyze data is to look at quantitative methods in criminology.

1.2 Nature and Scope of Criminology

Criminology is an inter-disciplinary field of study, involving scholars and practitioners representing a wide range of behavioral and social sciences as well as numerous natural sciences. Sociologists played a major role in defining and developing the field of study and criminology emerged as an academic discipline housed in sociology programs. However, with the establishment of schools of criminology and the proliferation of academic departments and programs concentrating specifically on crime and justice in the last half of the 20 century, the criminology emerged as a distinct professional field with a broad, interdisciplinary focus and a shared commitment to generating knowledge through systematic research.

One ultimate goal of criminology has been the development of theories expressed with sufficient precision that they can be tested, using data collected in a manner that allows verification and replication.

As a subdivision of the larger field of sociology, criminology draws on psychology, economics, anthropology, psychiatry, biology, statistics, and other disciplines to explain the causes and prevention of criminal behavior. Subdivisions of criminology include **penology**, the study of prisons and prison systems; **bio-criminology,** the study of the biological basis of criminal behavior; **feminist criminology**, the study of women and crime; and **criminalistics**, the study of crime detection, which is related to the field of Forensic Science. Much research related to criminology has focused on the biological basis of criminal behavior. In fact, bio-

criminology, attempts to explore the biological basis of criminal behavior. Research in this area has focused on chromosomal abnormalities, hormonal and brain chemical imbalances, diet, neurological conditions, drugs, and alcohol as variables that contribute to criminal behavior.

Criminology has historically played a reforming role in relation to Criminal Law and the criminal justice system. As an applied discipline, it has produced findings that have influenced legislators, judges, prosecutors, lawyers, Probation officers, and prison officials, prompting them to better understand crime and criminals and to develop better and more human sentences and treatments for criminal behavior.

Criminologists also study a host of other issues related to crime and the law. These include studies of the Victims of Crime, focusing upon their relations to the criminal, and their role as potential causal agents in crime; juvenile delinquency and its correction; and the media and their relation to crime, including the influence of Pornography.

1.3 Definitions of Important Terms

Deviance: Deviance is a violation of social norms defining appropriate or proper behavior under particular set of circumstances. Deviance often includes criminal acts. Deviance is also referred to as deviant behavior. It is behavior that is sharply different from a customary, traditional, or generally accepted standard.

Delinquency: Delinquent means one who fails to do that which is required by law or by duty when such failure is minor in nature. A delinquent is often used to refer to a juvenile who commits a minor criminal act—juvenile delinquents.

Juvenile Delinquency: It refers to criminal acts performed by juveniles. Most legal systems prescribe specific procedures for dealing with juveniles, such as juvenile detention centers. Juvenile delinquency may refer to either violent or non-violent crime committed by persons who are (usually) under the age of eighteen and are still considered to be a minor. There is much debate about whether or not such a child should be held criminally responsible for his or her own actions.

Crime: Crime is an 'act' or 'omission' which is prohibited by criminal law. Each State sets out a limited series of acts (crimes) which are prohibited and punishes the commission of these acts by fine, imprisonment or some other form of punishment. In exceptional cases, an omission to act can constitute a crime, such as failing to give assistance to a person in peril (serious danger) or failing to report a case of child abuse.

1.4 Historical Development of Criminology

The history of primitive societies and early medieval period reveals that human thinking in those days was predominated by religious mysticism and all human relations were regulated through myths, superstitious and religious tenets prevailing in a particular society. This in other words, meant that little attention was devoted to the motive, environment and psychology of the offender in the causation of crime. Moreover, in absence of any definite principle for the guidance of those who were concerned with the criminal justice administration, punishments were often haphazard (disorganized), arbitrary (decision not seeming to be based on reason) and irrational. This situation prevailed until the end of seventeenth century. Thereafter, with the change in human thinking and evolution of modern society, certain social reformers took up the cause of criminals and devoted their attention to analysis of crime causation. This finally led to the emergence of criminology as a branch of knowledge through development of different schools of criminology.

The theoretical dimension of criminology has a long history and ideas about the causes of crime can be found in philosophical thought over two thousand years ago. For example, in Politics, Plato's student, Aristotle (384-322 B.C.), stated that "poverty engenders (to make a feeling) rebellion and crime (Quinney 1970)." Religious scholars focused on causes as diverse as natural human need, deadly sins, and the corrupting influence of Satan and other demons (an evil spirit). The validity of such theories was founded in religious authority and they were not viewed as theories, subject to verification through any form of systematic observation, measurement and analysis.

Rational, naturalistic philosophies about people and society grew in prominence (well-known) during the 18 century. Enlightenment philosophers such as Montesquieu, Voltaire, Cesare Beccaria and Jeremy Bentham criticized political and legal institutions and advocated social reforms based on the assumption that people were rational, deliberative beings. Such ideas constituted the first major school of organized, "naturalistic" thought about criminal law, criminality, and appropriate responses to crime--the Classical School. Such perspectives were called "naturalistic" because they constructed theories locating the causes of crime in natural characteristics of human beings as opposed to "supernatural" theories emphasizing demonic (an evil spirit) causes. Classical theorists assumed that most people were capable of rational calculation of gains and costs and that criminality was a choice. Laws were to be designed and enforced based on that principle. Contemporary "deterrence theory," "rational

choice theory," and "social learning theory" in criminology incorporate these same assumptions.

The origins of a more systematic criminology, however, are located in the late-eighteenth-century writings of those who sought to reform criminal justice and penal systems that they perceived as cruel, inhuman, and arbitrary. These old systems applied the law unequally, were subject to great corruption, and often used torture and the death penalty indiscriminately.

The leading theorist of the classical school of criminology, the Italian CESARE BONESANO BECCARIA (1738–94), argued that the law must apply equally to all, and that punishments for specific crimes should be standardized by legislatures, thus avoiding judicial abuses of power. Both Beccaria and another classical theorist, the Englishman Jeremy Bentham (1748–1832), argued that people are rational beings who exercise free will in making choices. Beccaria and Bentham understood the dominant motive in making choices to be the seeking of pleasure and the avoidance of pain. Thus, they argued that a punishment should fit the crime in such a way that the pain involved in potential punishment would be greater than any pleasure derived from committing the crime. The writings of these theorists led to greater codification and standardization of European and U.S. laws.

Criminologists of the early nineteenth century argued that legal punishments that had been created under the guidance of the classical school did not sufficiently consider the widely varying circumstances of those who found themselves in the gears of the criminal justice system. Accordingly, they proposed that those who could not distinguish right from wrong, particularly children and mentally ill persons, should be exempted from the punishments that were normally meted out to mentally capable adults who had committed the same crimes. Along with the contributions of a later generation of criminologists, known as the positivists, such writers argued that the punishment should fit the criminal, not the crime.

Later in the nineteenth century, the positivist school of criminology brought a scientific approach to criminology, including findings from biology and medicine. The leading figure of this school was the Italian *Cesare Lombroso* (1836–1909). Influenced by Charles R. Darwin's theory of evolution, Lombroso measured the physical features (morphology) of prison inmates and concluded that criminal behavior correlated with specific bodily characteristics, particularly cranial, skeletal, and neurological malformations. According to Lombroso, biology created a criminal class among the human population. Subsequent generations of criminologists have disagreed harshly with Lombroso's conclusions on this matter. However, Lombroso had a more lasting effect on criminology with other findings that

emphasized the multiple causes of crime, including environmental causes that were not biologically determined. He was also a pioneer of the case-study approach to criminology.

Other late-nineteenth-century developments in criminology included the work of statisticians of the cartographic school, who analyzed data on population and crime. These included Lambert Adolphe Quetelet, (1796– 1874) of France and André Michel Guerry, of Belgium. Both of these researchers compiled detailed, statistical information relating to crime and also attempted to identify the circumstances that predisposed people to commit crimes.

The writings of French sociologist *Emile Durkheim* (1858–1917) also exerted a great influence on criminology. Durkheim advanced the hypothesis that criminal behavior is a normal part of all societies. No society, he argued, can ever have complete uniformity of moral consciousness. All societies must permit some deviancy, including criminal deviancy, or they will stagnate. He saw the criminal as an acceptable human being and one of the prices that a society pays for freedom.

Durkheim also theorized about the ways in which modern, industrial societies differ from nonindustrial ones. Industrial societies are not as effective at producing what Durkheim called a collective conscience that effectively controls the behavior of individuals. Individuals in industrial societies are more likely to exhibit what Durkheim called *anomie*—a Greek word meaning "without norms." Consequently, modern societies have had to develop specialized laws and criminal justice systems that were not necessary in early societies to control behavior.

According to Durkheim and other functionalists, crime can have the following functions for society:

❖ Strengthens group cohesion
❖ Can lead to social change

Early efforts to organize criminologists in the United States attracted law enforcement officials and others who were interested in the criminal justice system. In 1941, a group of individuals in California organized for the purpose of improving police training and the standardization of police-training curricula. In 1946, this movement developed into the establishment of the Society for the Advancement of Criminology, which changed its name to the American Society of Criminology in 1957. Initial efforts of this organization focused upon scientific crime detection, investigation, and identification; crime prevention, public safety, and security; law enforcement administration; administration of criminal justice; traffic administration; and probation.

1.5 Early Explanations of Criminology-Schools of Thought

It has been generally accepted that a systematic study of criminology was first taken up by the Italian scholar, Ceasare Bonesana Marchese de Becaria (1938-94) who is known as the founder of modern criminology. His greatest contribution to the science of criminology was that he, for the first time, proceeded with the study of criminals on a scientific basis and reached certain conclusions from which definite methods of handling crime and criminals could be worked out. Thus the 'theories of criminology' or 'the schools of criminology' are of a later origin.

Meaning of the 'School of Criminology'

Edwin Sutherland pointed out that a school of criminology connotes *"the system of thought which consists of an integrated theory of causation of crime and of policies of control implied in the theory of causation"*. Therefore, a school of criminology implies the following three important points:

1. The adherents of each school try to explain the causation of crime and criminal behavior in their own way relying on the theory propounded by the exponent of that particular school.

2. Each school of criminology suggests punishment and preventive measures to suit its ideology.

3. And, each of the school represents the social attitude of people towards crime and criminal in a given time.

In an attempt to find a rational explanation of crime, a large number of theories have been propounded. Various factors such as evil spirit, sin, disease, heredity, economic maladjustment etc. have been put forward either singly or together to explain criminality. With the advance of behavioral sciences, monogenetic explanation of human conduct is no longer valid and the modern trend is to adopt an eclectic view about the genesis (the beginning or origin) of crime. However, some criminologists still tend to lay greater emphasis on physical traits in order to justify exclusive resort to correctional methods for the treatment of offender.

1.5.1 Pre-Classical School of Criminology

The period of seventeenth and eighteenth century in Europe was dominated by the scholasticism of Saint Thomas Aquinas. The dominance of religion in State activities was the chief characteristic of that time. The concept of Divine right of king advocating supremacy of monarch was held in great esteem. As scientific knowledge was yet unknown the concept of crime was rather vague and obscure. There was a general belief that man by nature is simple

and his actions are controlled by some super power. It was generally believed that 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 own free will but due to the influence of some external super power. No attempt was, however, made to probe into the real causes of crime. This *demonological theory* of criminality propounded by the exponents of pre-classical school acknowledged the *omnipotence (having total owe or able to do anything) of spirit*, which they regarded as a great power.

The pre-classicals considered crime and criminals as an evidence of the fact that the individual was possessed of devil or demon the only cure for which was testimony of the effectiveness of the spirit. Worships, sacrifices and ordeals by water and fire were usually prescribed to specify the spirit and relieve the victim from its evil influence. An *ordeal* is an ancient manner of trial in criminal cases. When an offender pleaded "not guilty", he might choose whether he would put himself for trial upon God and the country, by 12 men or upon God only, and then it was called '*the judgment of God*', presuming that God would deliver the innocent. Examples of such ordeals are, throwing into fire, throwing into water after tying a stone to his neck, administration of oath by calling up God's wrath, trial by battle, etc.

Trial by battle was common mode of deciding the fate of criminal. The oaths and ordeals played a very important role in the ancient judicial system in determining the guilt of the offender. The justification advanced for these rituals was the familiar belief that "when the human agency fails, recourse to divine means of proof becomes most inevitable". Though these practices appear to be most irrational and barbarous to the modern mind, they were universally accepted and were in existence in most Christian countries till thirteenth century. The Roman law completely ignored the system of ordeals and it was forbidden in Quran.

The right of society to punish the offender was, however, well recognized. The offender was regarded as an innately depraved (morally bad) person who could be cured only by torture and pain. 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. Thus the theosophists, notably St. Thomas Aquinas and the social contract writers such as Donte Alighieri, Machiavelli, Martin Luther and Jean Bodin provided immediate background for Beccaria's classical school at a later stage. The pre-classical thinking, however, withered away (dead) with the lapse of time and advancement of knowledge.

1.5.2 The Classical School

The Classical School in criminology is usually a reference to the eighteenth-century work during the Enlightenment by the utilitarian and social contract philosophers Jeremy Bentham and Cesare Beccaria. Their interests lay in the system of criminal justice and penology and, indirectly through the proposition that "man is a calculating animal", in the causes of criminal behavior. The Classical school of thought was premised on the idea that people have free will in making decisions, and that punishment can be a deterrent for crime, so long as the punishment is proportional, fits the crime, and is carried out promptly.

Beccaria, the pioneer of modern criminology expounded his *naturalistic theory of criminality* by rejecting the omnipotence of evil spirit. He laid greater emphasis on mental phenomenon of the individual and 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". As Donald Taft rightly put it, this doctrine implied the notion of causation in terms of free choice to commit crime by rational man seeking pleasure and avoiding pain.

The main tenets of classical school of criminology are noted below

1. Man's emergence from the State's religious fanaticism involved the application of his reason as a responsible individual.

2. It is the 'act' of an individual and 'not his intent' which forms the basis for determining criminality within him. In other words, criminologists are concerned with the 'act' of the criminal rather than his 'intent'. Still, they could never think that there could be something like crime causation.

3. The classical writers accepted punishment as a principal method of infliction of pain, humiliation and disgrace to create 'fear' in man to control his behavior.

4. The profoundest of this school, however, considered prevention of crime more important than the punishment for it. They therefore, stressed on the need for a Criminal Code in France, Germany and Italy to systematize punishment for forbidden acts. Thus the real contribution of classical school of criminology lies in the fact that *it underlined the need for a well-defined criminal justice system.*

5. The advocates of classical school supported the right of the State to punish the offenders in the interest of public security. Relying on the hedonistic principle of pain and pleasure, they pointed out that individualization was to be awarded keeping in view the pleasure derived by

the criminal from the crime and the pain caused to the victim from it. They, however, pleaded for equalization of justice which meant equal punishment for the same offence.

6. The exponents of classical school further believed that the criminal law primarily rests on positive sanctions. They were against the use of arbitrary powers of Judges. In their opinion the Judges should limit their verdicts (decision of Judge) strictly within the confines of law. They also abhorred (to hate something) torturous punishments.

Major Shortcomings of the Classical School

The contribution of classical school to the development of rationalized criminological thinking was by no means less important, but it had its own pitfalls.

1. The classical school proceeded on an abstract presumption of free will and relied solely on the act (i.e., the crime) without devoting any attention to the state of mind of the criminal.

2. It erred in prescribing equal punishment for same offence thus making no distinction between first offenders and habitual criminals and varying degrees of gravity of the offence.

However, the greatest achievement of this school of criminology lies in the fact that it suggested a substantial criminal policy which was easy to administer without resort to the imposition of arbitrary punishment.

1.5.3. Neo-Classical School

In criminology, the Neo-Classical School continues the traditions of the Classical School. Hence, the utilitarianism of Jeremy Bentham and Cesare Beccaria remains a relevant social philosophy in policy term for using punishment as a deterrent through law enforcement, the courts, and imprisonment.

The 'free will' theory of classical school did not survive for long. It was soon realized that the exponents of classical school faltered (to became weak or less effective) in their approach in ignoring the individual differences under certain situations and treating first offenders and the habitual alike on the basis of similarity of act or crime. The neo-classists asserted that certain categories of offenders such as minors, idiots, insane (seriously mentally ill) or incompetent had to be treated leniently in matters of punishment irrespective of the similarity of their criminal act because these persons were incapable of appreciating the difference between right and wrong. This tendency of neo-classists to distinguish criminals according to their mental depravity was indeed a progressive step inasmuch as it emphasized the need for modifying the classical view. Thus the contribution of neo-classical thought to the science of criminology has its own merits.

When crime and recidivism are perceived to be a problem, the first political reaction is to call for increased policing, stiffer penalties, and increased monitoring and surveillance for those released on parole. Intuitively, politicians see a correlation between the certainty and severity of punishment, and the choice whether to commit crime. The practical intention has always been to deter and, if that failed, to keep society safer for the longest possible period of time by locking the habitual offenders away in prisons. From the earliest theorists, the arguments were based on morality and social utility, and it was not until comparatively recently that there has been empirical research to determine whether punishment is an effective deterrent.

The main tenets of neo-classical school of criminology can be summarized as follows

1. Neo-classists approached the study of criminology on scientific lines by recognizing that certain extenuating situations or mental disorders deprive a person of his normal capacity to control his conduct. Thus they justified mitigation of equal punishment in cases of certain psychopathic offenders.

2. Neo-classists were the first in point of time to bring out a distinction between the first offenders and the recidivists. They supported individualization of offender a treatment methods which required the punishment to suit the psychopathic circumstances of the accused. Thus although the 'act' or the 'crime' still remained the sole determining factor for adjudging criminality without any regard to the intent, yet the neo-classical school focused at least some attention on mental causation indirectly.

3. The advocates of this school started with the basic assumption that man acting on reason and intelligence is a self-determining person and therefore, is responsible for his conduct. But those lacking normal intelligence or having some mental depravity are irresponsible to their conduct as they do not possess the capacity of distinguishing between good or bad and therefore should be treated differently from the responsible offenders.

4. Though the neo-classists recommended lenient (less strict) treatment for "irresponsible" or mentally depraved criminals on account of their incapacity to resist criminal tendency but they certainly believed that all criminals, whether responsible or irresponsible, must be kept segregated from the society.

4. It is significant to note that distinction between responsibility and irresponsibility, that is the sanity and insanity of the criminals as suggested by neo-classical school of criminology paved way to subsequent formulation of different correctional institutions such as parole, probation, reformatories, open-air camps etc. in the administration of criminal justice.

5. Neo-classists adopted subjective approach to criminology and concentrated their attention on the conditions under which an individual commits crime.

Thus, it would be seen that the main contribution of neo-classical school of criminology lies in the fact that it came out with certain concessions in the 'free will' theory of classical school and suggested that an individual might commit criminal acts due to certain extenuating circumstances which should be duly taken into consideration at the time of awarding punishment. Therefore, besides the criminal act as such, the personality of the criminal as a whole, namely, his antecedents, motives, previous life-history, general character, etc., should not be lost sight of in assessing his guilt. It may be noted that the origin of jury system in criminal jurisprudence is essentially an outcome of the reaction of neo-classical approach towards the treatment of offenders.

As to the shortcomings of neo-classical school of criminology, it must be stated that the exponents of this theory believed that the criminal, whether responsible or irresponsible, is a menace to society and therefore, needs to be eliminated from it.

1.5.4 Positivists School/The Italian School

The Positivist School has attempted to find scientific objectivity for the measurement and quantification of criminal behavior. As the scientific method became the major paradigm in the search for all knowledge, the Classical School's social philosophy was replaced by the quest for scientific laws that would be discovered by experts.

Physical Characteristics/ Morphology

Historically, medicine became interested in the problem of crime, producing studies of *physiognomy* and the science of *phrenology* which linked attributes of the mind to the shape of the brain as reveal through the skull. These theories were popular because society and any failures of its government were not the causes of crime. The problem lay in the propensities of individual offenders who were biologically distinguishable from law-abiding citizens. This theme was amplified by the *Italian School* and through the writings of **Cesare Lombroso** (*The Criminal Man* and Anthropological criminology) which identified physical characteristics associated with degeneracy demonstrating that criminals were atavistic throwbacks to an earlier evolutionary form.

William Sheldon identified three basic body or somatotypes (i.e. endomorphs, mesomorphs, and ectomorphs), and introduced a scale to measure where each individual was placed. He concluded that delinquents tended to mesomorphy. Modern research might link physical size and athleticism and aggression because physically stronger people have the capacity to use

violence with less chance of being hurt in any retaliation. Otherwise, such early research is no longer considered valid. The development of genetics has produced another potential inherent cause of criminality, with chromosome and other genetic factors variously identified as significant to select heredity rather than environment as the cause of crime (*see: nature versus nurture*). However, the evidence from family, twin, and adoption studies shows no conclusive empirical evidence to prefer either cause.

With the advance of behavioral sciences, the monogenetic explanation of human conduct lost its validity and a new trend to adopt an eclectic view about the genesis of crime gradually developed. By the nineteenth century, certain French doctors were successful in establishing that it was neither free will'of the offender nor his innate depravity which actuated him to commit crime but the real cause of criminality lay in anthropological features of the criminal. Some phrenologists also tried to demonstrate the organic functioning of brain and enthusiastically established a co-relationship between criminality and the structure and functioning of brain. This led to the emergence of the positive school of criminology.

The main exponents of this school were three eminent Italian criminologists namely: ***Cesare Lombroso, Raffaele Garofalo*** and ***Enrico Ferri.*** It is for this reason that this school is also called the Italian School of Criminology.

1.5.5 Sociological School of Criminology/The Modern Criminology

In recent years, there seems to have been a transformation of criminological views regarding somewhat skeptical question of criminal accountability. Modern critics attack the traditional criminological view on the ground that their search for characteristic differences between the class of criminals and the class of non-criminals rests upon erroneous assumption. This false dichotomy has been based on a misconceived characterization of criminals as 'criminal type'. As *Michael Phillipson* aptly observes that to take crime out of its social context and to try to explain it as a product of physical characteristics or mental deficiencies is a myth. He summarizes his criticism of traditional criminology by suggesting that it contains four false assumptions, namely,

1. That there are universal causes of crime;

2. That the human population can be divided into two groups, criminals and non-criminals;

3. That crime can be located by the study of individual criminals; and

4. That the official statics are indices of trends in crime.

The proponents of modern criminology attempt to explain criminality in terms of social conflict. Engels (1971) pointed out that resentment among the deprived class of society due

to their exploitation and demoralization was one of the reasons for growing criminality. Therefore, there was need to change the whole of the social and economic structure of society. Thus, modern criminology attributes societal reasons for general criminality and suggests a pragmatic approach to the resolution of the problem.

The advocates of modern criminology firmly believe that distinction between criminals and non-criminals is the direct outcome of a mistaken notion of labeling certain individual offenders as 'criminal types'. Modern criminologists prefer to identify the criminal with a particular social type who has been a victim of well-known inequalities between social classes, private wealth, private property, social power, and life chances. Thus there is nothing like 'criminal type' as suggested by traditional criminologists. The modern criminologists have succeeded in substituting the traditional belief regarding crime causation by social deviance as a cause of criminal behavior.

Section Two: Measurement of Crime and Delinquencies:

2.1 Crime Statistics:

Crime statistics are the indices of intensity of crimes recorded annually in a particular country, region or place. It reflects upon the ascending or descending trends in crime and also gives information as to how new forms of crime are emerging and the old ones are disappearing or assuming new dimensions. Thus crime statistics are indicative of the general moral-tune of a given society and throw light on the general efficacy of police, prosecuting agencies and law courts. Therefore, the role of crime statistics in analyzing causation of crime and devising measures to combat criminality need not be over-emphasized. The statistics of crime help the law enforcement agencies to spot out the preponderance of crime at a particular time, place and region.

Criminologists, however differ as to their views about the scope of criminal statistics. Some of them assert that the data should mainly concern with offences and offenders, administrative actions and decisions of the Courts, while others maintain that it should only be limited to offenders and convicted persons. But the generally accepted view is that crime statistics should not only be confined to data on offences and offenders but also include numerical figures pertaining to the criminal law administration agencies such as police, prosecution, courts, parole and probation services, juvenile delinquency, prisons, drug law violations and trafficking records etc. The data so presented should be scientifically classified, tabulated and analyzed so as to present a realistic picture of crime situation of a particular region or country. The periodical publication of such statistics is equally important so that the criminal law agencies may utilize it to the best of their advantage for combating crimes.

Emphasizing the need for statistics in the field of criminology *Donald Taft* observed that, "quantification which includes counting, measuring and collating the phenomena under study is the basic process in modern scientific approach to criminal science. Without this process, investigative efforts would hardly serve any useful purpose. Crime statistics also depict the picture of distribution of crimes in different areas, regions, and locations. It must, however, be stated that mathematical accuracy of crime figures at a given place and time is rather difficult to ascertain. The statistics only present an over-all picture of incidence of crime and make it possible to compare the crime rate at regional, national and international level".

The crime statistics provide a useful guideline for the legislators and criminal law administrators to fight against criminality and find effective anti-dote of crimes.

Pointing out the significance of statistical data on crime and criminals, *Edwin Sutherland* observed that, "these statistics are sometimes usefully utilized in the formulation of social policies and theories of criminality. Besides, it also provides valuable source-material for crime investigators. The social information contained in them forms the basis of extensive research in the field of criminology. In the absence of statistical record of crime it would become virtually impossible to form any valid opinion about the crime picture in a given place".

2.2 Sources of Crime Statistics:

Available statistics of crime may broadly be classified into two major categories, viz., serious crimes and minor crimes. Serious crimes generally cause greater alarm in the society and huge revenue loss to the State such as tax evasion, bank frauds, scams etc. The minor offences, on the other hand, are less alarming and are generally viewed mildly by the society. Considered from the point of view of different agencies connected with the administration of criminal justice, criminal statistics may be placed under three broad heads, namely:

- ❖ Police statistics;
- ❖ Judicial statistics or Court statistics; and
- ❖ Penal statistics.

1. Police statistics are primarily concerned with the number of crimes reported, the number of persons apprehended and the number of offences cleared or accounted for by the arrests made.

2. The judicial or Court statistics are concerned with the number of offences prosecuted, the number convicted and the method of procedure followed in determining guilt, the number not convicted and the stage at which cases were dropped. These statistics also account for the number of convictions and the type of sentences imposed upon guilty persons.

3. Penal statistics comprise the details of different types of custodial measures, the characteristics of inmates, time spent in custody, number of escapes and offence-wise number of recidivists.

It may be stated that equally important is the data of post-correctional criminal behavior but it is practically not feasible to follow up the post-release conduct of the convicted offenders. But the Government should at least make efforts to collect the statistical data concerning repletion of crimes which may help the administration in suitably dealing with the habitual

2.3 Reasons for Unreliability of Crime Statistics:

The magnitude of the problem of various forms of crime in a particular country can be ascertained after an analysis of the criminal statistics. But the fact remains that these statistics deal mainly with recorded crimes. It is, therefore, not possible to detect all criminal acts committed by people in a country. It is for this reason that it is generally believed that statistics of crime and criminal are most deceptive of all the statistics and hardly present a true picture of crime position. Some of the reasons generally attributed to unreliability of crime statistics are as follows:

1. The concept of crime being dynamic, it is difficult to determine the quantum of crime with accuracy.

2. Quite a large number of crimes committed remain undetected, there are others which are detected but not reported and many more are reported but not recorded. There are several reasons for not reporting crimes. The offence may be considered trivial; the police-post might be too far away; one sincerely wants that the culprit should be punished but he may apprehend harassment from him or he may not be willing to go through the cumbersome process of criminal trial or he or she may feel embarrassed, as in case of sex offences. The victim may also not be interested in reporting crime because he may not have confidence in the criminal justice system.

3. At times, there is a deliberate non-registration of crimes because lesser number of crimes projects a better image of police performance.

4. Quite a large number of crimes are lost between arrest and prosecution and many more are lost between prosecution and conviction. Explaining this point further, Leon Radzinowicz observed that crimes fully brought out into the open and punished, "represent not more than fifteen per cent of the great mass actually committed".

5. The crime statistics at different places do not present a true picture of volume of crimes because of the socio-economic differences and variations in the criminal law. The behaviour which may be a crime at one place may not be necessarily so in another place or time. This reduces the significance of crime-index for the purposes of comparison. It is primarily for this reason that comparisons of the crime rates of various countries are seriously limited by wide variations in their national legal systems.

6. The crime figures for the purpose of comparisons are to be stated in proportion to population or some other base and as E.H. Sutherland rightly points out, determination of this

base is often difficult. The accuracy of population figures is equally a matter of doubt and suspicion.

7. The judicial statistics or the statistical data given by law courts regarding number of convictions do not generally tally (to be the same as) with the statistics of prisoners compiled by prison authorities because all convictions do not necessarily result into imprisonment. Many of the convicted persons are let off after admonition or fine or released on probation or parole or booked to a correctional institution.

8. The prison statistics often give a distorted picture of criminality. They are least reliable to be used for appreciating the magnitude of the real crime problem or the types of crimes committed, or the types of offenders booked for crimes. In fact, they are simply indicative of the persons who are institutionalized rather than having any bearing upon actual number of crimes or criminals. Moreover, these statistics are reflective of why people are caught and prosecuted rather than of why they commit crimes, which is the central concern of criminologist.

It would thus appear that accuracy of crime-statistics depends, by and large, upon the societal reaction towards different crimes and the honesty, efficiency and working of Police Department and other investigating agencies. Crime being concerned with behavioral patterns, accuracy of crime figures is a myth. Statistics, therefore, depict only a general picture of criminality at a given place and time.

Section Three: Theories of Crime Causation

3. Introduction

Psychologists argue that in order to do something about the crime problem, we must first understand its "causes". Their aims are in conformity with that of 'Criminologists'. The questions are – Why does crime happen? What motivates people to commit illegal acts?

Several theories are advocated to answer these questions For example in case of theft, the biological explanations say that the thief has bad genes and the psychological explanations may maintain that he has a personality defect. Likewise the sociological explanations may argue that he's got in with a bad crowd. These kinds of explanations led to different kinds of theories:

I. Rational Choice Theory

II. Biological theories of crime

III. Geography Theories of crime

IV. Psychological Theories of crime

V. Economic Theories of crime

VI. Sociological Theories of crime

VII. Social-Psychological Theories of crime.

However, no single theory can possibly be applicable to all illegal acts and actors and therefore, an evaluation of the limitations of each theory is appropriate.

I. Rational Choice Theory

Classical criminology stresses that causes of crime lie within the individual offender, rather than in their external environment. For classicists, offenders are motivated by rational self-interest, and the importance of free will and personal responsibility is emphasized. Rational choice theory is the clearest example of this approach. It states that people weigh the pros and cons of committing a crime, and offend when the former outweigh the latter. A central deficiency of rational choice theory is that while it may explain when and where people commit crime, it can't explain very well why people choose to commit crimes in the first place. Neither can it explain differences between individuals and groups in their propensity to commit crimes. James Q. Wilson said the conscience and self-control of a potential young offender must be taken into account, and that these attributes are formed by parental and societal conditioning. Rational choice does not explain why crime should be committed disproportionately by young people, males, city dwellers, and the poor. It also ignores the influence a young person's peers can have on them, and the fact that some youths may be less

able to accurately foresee the consequences of their actions than others. Rational choice theory does not take into account the proven correlations between certain social circumstances and individuals' personalities, and the propensity to commit crime.

II. Biological Theories of Crime

The use of biological determinants in explaining crime clearly contrasts with the sociological approach. The biological emphasis may seek to discover common physical characteristics among criminals. For example, a study of thirteen men and two women convicted of murder found that all had experienced severe head injuries earlier in life and that twelve of them displayed neurological problems of varying magnitude.

But more often this perspective focuses on genetic inheritance, on chromosomal abnormalities, on psychological irregularities or on constitutional (body type) determinants.

Historical Background

With the development of scientific researches during 19th century certain French doctors were successful in establishing that the real cause of criminality lay in anthropological feature of the criminal. Certain phrenologists also tried to demonstrate the organic functions of brain and enthusiastically established a co relationship between 'criminality' and 'structure and functions of brain'. This led to the emergence of Positive School of criminology. The main exponents of the school were three eminent Italian criminologists, namely, *Ceasare Lombroso (1836-1909), Rafalo Garofalo (1852-1934) and Enricho Ferri (1856-1928).* It is for this reason that this school is also called the Italian School of criminology.

Of the several different biological explanations of criminal behaviors,

A. Genetics and Criminality: Ceasare Lombroso

Ceasare Lombroso is often referred to as pioneer of the positive school or Italian school of criminology. He was considered the father of 'Modern Criminology' for he emphasized biological causes and correlates of crime and set in motion a view point that remains in more sophisticated versions, prevalent today. He was an Italian psychiatrist who was a physician in the Army. Basing on his observations, he published a book titled "The Criminal Man" first published in 1876 and the recent edition in 1911. He adopted an objective and empirical study of criminals through his anthropological experiments. After an intensive study of physical characteristics of his patients and later on of criminals, he came to a definite conclusion that criminals were physically inferior in the standard of growth and therefore developed a tendency for inferior acts. He further generalized that criminals are less sensitive to pain and therefore they have little regard for the sufferings of others. Lombroso's early

conception included his belief in the similarity of the criminals could be atavism (savages), the insane and epileptic persons, and he believed that criminals could be distinguished from other people on the basis of anatomical oddities, such as small craniums, big ears, large jaws, Strong canine teeth, high cheekbones, insensitivity to pain, small craniums, big ears, High foreheads, Sloping, flattened noses and abnormal secondary sex characteristics. Lombroso also believed women lacked the initiative to break laws, and therefore crime by a woman was a deviation from her basic nature.

Genetic Inheritance

At a later stage Lombroso himself was convinced of the futility of his theory. The search for obvious physical differences between criminals and non-criminals did not work. In his later edition of his book (The Criminal Man) he gave more credit to environmental influences such as the climate and local laws. He extended his theory of determinism to social as well as economic situations of criminals. His focus shifted to an approach proposing that certain inherited qualities predisposed certain people to act in criminal ways. How such genetic differences would be explained?

Pedigree Analysis

An analysis of ancestry done on certain families led many readers to conclude that a propensity for crime was inherited. But such analysis failed to separate the effects of genetics and environment. Remarkable contemporary examples of crime that runs in families do little to resolve the question.

All in the Family

Effie Ramsey has ten sons. Nine are in prison. The tenth one is in a hale way house for law violators. Most of their crimes were of moderate severity, like robbery and burglary and two of them were charged with first degree murder. They average four criminal convictions each. Authorities don't know exactly where the family went wrong. The family was poor but always had food. The ten brothers were raised by both parents living together. In fact, one or the other of the parents participated at almost all their sons hearings in juvenile courts; they made sure that the boys attended juvenile courts counseling sessions. Their mother was cooperative with the police and often helped locate her sons when they were wanted by law officers.

But the authorities said that the parents did not supervise their children and the sons *lacked role models*. Once the older brother turned to crime the others followed. Despite the statistical improbability that ten out of ten siblings would be law breakers, the simplistic

explanation--- that they had each inherited criminal tendencies from their parents---is less likely than an explanation using social learning theory.

Genetic Anomalies

Another explanation given to support the theory of hereditary criminality is genetic anomaly such as an extra chromosome that might lead to mental retardation or pathological behavior. Sometime before, research seemed to implicate one particular genetic abnormality as a possible cause of some cases of anti-social or criminal behavior. Samplings of the genetic characteristics of men in prisons in the United States, Australia, and Great Britain showed that small percentage of these men, but a significantly greater percentage in the general population had an extra 'Y' chromosome (Court-Brown 1968). The normal person has 46 chromosomes per cell—22pairs of "regular" chromosomes, or autosomes, and two sex chromosomes. In the female both sex chromosomes are 'X' chromosomes; in the male they are 'X' and 'Y'. When the sperm fertilizes the ovum, the zygote receives a 'X' from the mother and either a 'X' or a 'Y' from the father. As the zygote begins its cell division, a chromosomal abnormality may occur; instead of producing two rows of 23each, the cell division may leave an extra 'X' or 'Y' chromosome in one row.

The aberrant XYY pattern, which was first identified in Great Britain in 1961, seems to produce men who are average in height, below average in IQ, and possibly aggressive and ant-social in behavior. Since the 'Y' chromosome determines 'maleness', the idea developed that the extra 'Y' chromosome constituted "super male", ---a person more aggressive and therefore potentially criminal. If this is true then the incidence of XYY abnormalities should be somewhat higher in prison populations, and this did appear to be the case. The rate has also been found to be slightly higher among institutionalized mentally retarded males. However, as research continued, these findings were largely refuted.

Even if a relationship between XYY chromosome makeup and conviction for crime be clearly demonstrated, both theoretical and practical questions would remain. For example;

How does heredity interact with the environment to produce anti-social behavior?

Should a criminal be punished as severely if he has a chromosomal abnormality?

In several murder trials the defendant was acquitted or given a lesser sentence because of an XYY chromosome abnormality.

B. Constitutional (Body Type) Determinants: William Sheldon

A different approach to crime causation, but one still linked to biological determinants is through *a typology of body physiques.* A typology is descriptive system in which all people

are classified into limited set of categories. The person's type supposedly describes a central or overriding characteristic of all aspects of individual's life.

William H. Sheldon, a professor in Colombia University tried to establish a relationship between body structure and behavior. He identified three basic dimensions of body build. He developed his ideas from the fact that life begins in the embryo which is made up of three different tissue layers, namely, an inner layer or *endoderm,* a middle layer or *mesoderm*, and an outer layer or *ectoderm.* He co-related facts from embryology and the physiology of genetic development. He pointed out that the physiologically, the endoderm gives rise to the development of viscera, the mesoderm to bone, muscle and tendons of the motor organ system, the ectoderm to connecting tissues of nervous system, skin and related appendages. He observed that a person's physical structure may be dominated by the basic characteristic s of any of these layers in varying degrees. The variations in body build may lead to the following three types of physical structures:

- ❖ **Endomorphic Structure***:* The person high in endomorph is soft, round and overweight. They are persons with fatty or bulky body having short tapering limbs, small bones, soft and smooth skin and usually of a mild temperament and comfortable persons**.**

- ❖ **Mesomorphic** *Structure:* Here the physique is hard and muscled, as the athletic. The Mesomorphic body is strong and tough. These persons are strongly built with prominent muscles and bones and connective tissue. Thus, they have hairy chest and large wrists and hands. These persons are *temperamentally serious, active, dynamic often assertive and behave aggressively.*

- ❖ **Ectomorphic Structure***:* The third variable is characterized by a flat chest, a long thin body and a little in the way of muscular development. These persons are constitutionally lean and fragile with delicate body, small face, sharp nose and fine hair. They are sensitive by temperament and avoid crowds.

Sheldon further asserted that these physical structures were directly related to the temperament of the person who committed crime. Thus, according to him endomorphics are moody and accommodative by temperament while the mesomorphics had a rigid and somewhat serious temperament. The ectomorphics on account of their delicate physical build up are often shaky in their decisions and are short tempered.

 From a comparison of 200 delinquents and 200 non-delinquents Sheldon concluded that the mesomorphic physique was more likely to manifest criminal behaviors– that the aggressiveness of the mesomorph along with his lack of inhibitory controls contributed to

criminality. Sheldon did not propose that a mesomorphic physique was sufficient for crime, nor did he neglect the environment as an explanation. But *he wished to advance recognition of the role of biological determinants* that he felt were being neglected by criminologists at that time.

Limitations of Body Typologies

Not all the mesomorphics are criminals and not all criminals are mesomorphic. When we use a few all- or- none categories, we force on nature an over simplified scheme. Even if an individual can with some accuracy, be described as basically introverted type or aggressive type, such a description is inadequate because of two reasons:

It essentially ignores hundreds of other attributes of the individual by selecting only one or a few to use in categorizing that person.

It assumes that two individuals put into the same psychological category have the same attributes. Almost always, we find that it is not a matter of black and white; it is a question of shadings.

When physique is proposed as direct cause of criminal behavior, further problems emerge. Even if there is a correlation between these two, it does not necessarily mean that one causes the other. For example, it is quite likely that, as children males with mesomorphic physique were more likely to find that aggressive and physical ways of demanding what they wanted were the way that "worked" when they find such ways as successful to get their things done, as adults they are likely to continue the same methodology of terrorizing their peers. In that case Sheldon's findings should be referred to as social learning theory explanation rather than constitutional one.

III. Geographic Theories of Crime

Geographic theories of crime focus on the location of crime and how the physical environment promote or discourage criminal behavior.

Geographic theories of crime focus on the analyzing data about the geographical distribution of crime, modifying the physical environment to reduce the likelihood of crime and targeting initiatives to geographic area with high rate of offending. Using data about the geographic distribution of crime, it is possible to find patterns that can be used to inform crime prevention projects.

Geographic theories of crime prevention that focuses on the physical environment tend to focus of such things as how urban planning, building design and design of public spaces affect crime, and also on how physical environment can be modified to make business and

residence more resistant to crime (sometimes called "situational crime prevention").

Responses from geographic theories of crime include:

- ❖ Using lighting and better design of pedestrian flow to minimize crime in an area at night.
- ❖ Using information about the distribution of crime in a neighbourhood to develop area specific crime prevention plan with the local community.

IV. Psychological Theories of Crime

A psychological explanation of crime can refer to a variety of approaches and concepts. But as Nietzel (1979) notes, these theories all share the basic belief that "crime is the result of some personality attribute uniquely possessed, or possessed to a special degree, by the potential criminal". In some variants of this approach, the cause is an extreme one, such as a mental illness or a personality disorder. Some of the psychological approaches even rely on hereditary determinants.

Psychologists have considered a variety of possibilities to account for individual differences such as defective conscience, emotional immaturity, inadequate childhood socialization, maternal deprivation, poor moral development etc.

They study how aggression is learned, which situations promote violent or delinquent reactions, how crime is related to personality factors and the association between various mental disorders and criminality. Of the several psychological explanations the following are important ones:

- ❖ Criminal Thinking Patterns,
- ❖ Personality Defects,
- ❖ Psychoanalytic Explanations.

1. Criminal Thinking Patterns: Samuel Yochelson & Stanton E. Samenow

These psychiatrists propose that, criminals possess a different way of thinking; that is, criminals operate out of a unique set of cognitive patterns that, though internally logical and consistent, is erroneous according to responsible thinking. The consistent lawbreaker sees himself and the world differently from the way the rest of us see them.

Yochelson and *Samenow* psychiatrists at St. Elizabeth's Hospital in Washington. D. C, reject environmental explanations of criminality, such as a broken home or unemployment. They claim "criminals are criminals"—people become criminals as a result of a series of choices they start making at an early age. It is these patterns that result in criminality. Crime is like alcoholism: "Once a criminal always a criminal".

The psychiatrists saw the criminals they studied as very much in control of their actions, rather than being "sick". These criminals were portrayed as master manipulators who try to assign the blame for their own behavior to others. For Yochelson and Samenow, criminals simply don't play the game the ways the rest of us do. They are such inveterate liars that they can no longer separate fact from fiction. They use words to control and manipulate, not to represent reality.

Limitations of the Theory:

The psychiatrists based their conclusions on intensive interviews with a relatively small number of offenders, most of whom were incarcerated "hard- core" criminals or men who were hospitalized after having been acquitted (clear) of major crimes by reason of insanity. They carefully portrayed one type of criminal, but whether their analysis accurately represents the majority of lawbreakers is doubtful.

The criminal thinking patterns theory does not explain how these choices are made in the beginning.

All criminals may not have a tendency to repeat or continue the same pattern of behavior.

2. Personality Defects

Many lay persons explain the cause of crime as some form of personality defect in the offender. Taken to its extreme degree, this explanation forms the basis for theories that attributes a basic anti-social nature of the criminal. This conception of psychopathy has a long history. Generally, it refers to persons who have frequent and repetitive criminal activity. More recently, the focus has been on the underlying un-socialized character, the lack of conscience that brings such persons into repeated conflict with society. They are unable to learn from experience or feel guilt. They lack loyalty to individuals, groups, or society's values. As Nietzel observes, they are grossly selfish, callous, and irresponsible. They tend to blame others or to offer plausible rationalizations for their behavior. All this combines to give them an arrogance that can lead to their down fall and capture.

According to Goleman, about 80% of psychopaths are men. The person characterized by a personality disorder, or psychopathic personality, is relatively easy to identify but very difficult to rehabilitate. Fortunately, psychopaths account for a very small percentage of law violators. However, they commit a disproportionately large percentage of violent crimes, and their acts are such that they attract massive publicity.

3. Psychoanalytic Explanations

Sigmund Freud **(1856-1939)**, the founder of psychoanalysis, suggested that criminality may result from either an over active conscience or too weak conscience. In treating his patients, Freud noticed that those who were suffering from unbearable guilt committed crimes in order to be apprehended and punished. Once they had been punished, their feelings of guilt were relieved (a way of punishing themselves).

Sigmund Freud's Psychoanalysis: The '*id*', '*ego*', and '*superego*'-The Warring Components of the Personality*:*

In 1920, when he was nearly 65 years old, Freud proposed a new conception of the personality, one that contained three systems- the *id, the ego, and the superego*. These systems do not exist physically; they are only concepts, or ways of looking at personality.

The *id* is the only part of the personality that is present at birth. It is inherited, primitive, inaccessible, and completely unconscious. The **'id'** contains two kinds of *instincts*:

The life instincts, which are sexual instincts and biological urges such as hunger and thirst, an

The death instinct, which accounts for our aggressive and destructive impulses. The 'id' operates according to *pleasure principle*; that is, to seek pleasure, avoid pain, and gain immediate gratification of its wishes. The 'id' is the source of the *libido*, the psychic energy that fuels the entire personality; yet the 'id' cannot act on its own. It can wish, image fantasize, demand.

The *ego* is the logical, rational, realistic part of the personality. The '**ego'** evolves from the 'id' and draws its energy from the 'id'. One of the 'ego's functions is to satisfy the 'id's urges. But the **'ego'**, which is mostly conscious, acts according to the *reality principle*. It must consider the constraints of the real world in determining the appropriate times, places and objects for gratification of the 'id's wishes. The art of the possible is its guide, and sometimes compromises must be made, for example, a chicken sandwich instead of fish curry.

When the child is age **5** or **6**, the *superego*—the moral component of the personality—is formed. The 'superego' has two parts:

The *conscience* consists of all the behaviors for which we have been punished and about which we feel guilty;

The *ego ideal* contains the behaviors for which we have been praised and rewarded and about which we feel pride and satisfaction. At first the **'superego'** reflects only the parent's

expectations of what is good and right, but it expands over time to incorporate teachings from the broader social world. In its quest for moral perfection, the 'superego' sets moral guidelines that define and limit the flexibility of the **'ego'**.

The psychoanalytic theory of criminality attributes delinquent and criminal behavior to a conscience so overbearing that it arouses feelings of guilt or so weak that it cannot control the individual's impulses and to a need for immediate gratification.

The **'*Conscience*, or '*Super ego*''** was so weak or defective that the '*ego*'(which acts as a moderator between 'super ego' and 'id') was unable to control the impulses of the *id* (the part of the personality that contains powerful urges and drives for gratification and satisfaction) because the *super ego* is essentially *an **internalized personal image***, developed when the child assumes the parent's attitudes and moral values, it follows that the absence of such an image may lead to an *unrestrained id* and thus to delinquency.

A defect in the character formation of delinquents drives them to satisfy their desire at once, regardless of the consequences. This urge, which psychoanalysts attribute to the 'id', is so strong that relationships with people are important only so long as they help to satisfy it. Most analysts view delinquents as children unable to give up their desire for instant pleasure.

Sigmund Freud's influential theory about the development of personality provides a different explanation for criminal acts. Freud hypothesized that the three sets of forces:

The selfish, irrational ones,

The rational forces, and

The moralistic ones…

Are always struggling for control of behavior. He believed that the criminal suffers from a compulsive need for punishment to alleviate the guilt feelings. Other psychoanalysts, especially ***Franz Alexander*** emphasize the inability to post pone immediate gratification in the criminal, who has never come to internalize the reality principle.

One of the reasons that psychoanalytic theory has had such an influence is its comprehensiveness as a description of the nature and processes of human personality. In spite of criticism, three basic principles still appeal to the psychologists who study criminality are:

- ❖ The actions and behavior of an adult are understood in terms of childhood development.
- ❖ Behavior and unconscious motives are intertwined, and their interaction must be unraveled if we are to understand criminality.
- ❖ Criminality is essentially a representation of psychological conflict.

Limitations to Psychoanalytical Theory:

1. Though it is a thorough explanation it is very difficult to test or validate the theory through empirical work.\

2. The actual patterns of criminal conduct usually differ generally from Freud's explanation. Law breakers go to extremes top avoid detection. This fact makes his hypothesis of that criminal suffers from a compulsive need to be punished and be cleansed from their guilty feeling

V. Economic Theories of Crime

Economic theories focus on how offending influenced by incentives. Economic theories of crime is based on the notion that individuals respond rationally to the cost and benefits of criminal opportunities. Thus, factors that increase the expected costs of crime (such as increasing the likelihood of apprehension or severity of punishment) or reduce the expected benefits such as improved educational or job opportunities) can reduce crime. Economic responses to crime include:

- ❖ Improving engagement in education and employment so that the relative benefits of crime are reduced vis-à-vis legitimate economic activities.

- ❖ Increasing or decreasing criminal sanction to change the relative disincentives associated with particular criminal activities.

VI. Sociological Theories of Crime Causation

These theories adopt an objective approach to explain criminality. They emphasize factors that affect many criminals in common. American criminologists prefer this approach. They attribute criminality to the social conditions of the criminal. Crime- causation depends considerably on social interactions. At times persons violate the provisions of law knowing fully well that they will have to face penal consequences for their acts. This phenomenon is more conspicuous in times of political strategy. For example in the freedom struggle of India Mahatma Gandhi and other national leaders broke the laws made by the English and were imprisoned. Similarly, cases of hunger strikes, demonstrations of protests, self-immolations all are glaring instances of deliberate law violations by responsible persons of the society**.** Sociological theories of criminal behavior can be explained under three heads:

i. Structural Explanations

ii. Sub-cultural Explanations

iii. Multiple Factor Approach

A. Structural Explanations

These arguments maintain that criminality is the result of structural defects in the society or family etc. Structural defects here mean the general breakdown of normal social conditions. These explanations emphasize on the existence of fundamental inequality in the structure of the society. Inequalities are experienced in the opportunities to achieve the goals valued by the society. In the society, all people have aspirations or goals to be wealthy, successful, educated, hope to possess material possessions such as nice clothes, cars, bungallows, all luxuries. But not everybody is having the opportunities. Some have greater opportunities, for instance, being from affluent families have greater chances to get good education.

Some may have greater abilities to achieve their goals. People with good looks are more likely to achieve goals through legitimate means. Some others, who have lesser opportunities and cannot attain their thorough legitimate means, may face a compulsion to rely on illegal means.

I. Merton's Theory of Social Structure and Anomie

Robert K. Merton (1938) explains this through his popular explanation of "Social Structure and Anomie". He explains the collapsing of social conditions brought by severe economic conditions is responsible for criminal behavior. He rejects the notion that crime is an intrinsic and individual behavior. He looks beyond the immediate personal environment of the criminals to the broader context of 'Social Structure and Anomie' for explanation of criminal behavior. Merton borrowed the term **anomie** from Emile Durkheim a French sociologist. Durkheim had studied the French and American culture after the Industrial Revolution. In his study he noted that economic crisis and a general breakdown of the normal social conditions created "deregulation" of social and moral rules. This deregulation which he called "anomie", could lead to all sorts of social deviance including suicide and crime.

Anomie is a condition which exists when norms no longer control people's behavior, when people no longer have clear rules. When normlessness exists then controls on behavior and aspirations cease to exist. Merton maintained that anomie is especially likely to exist in a society where there is unequal opportunity and an emphasis on material success; and he claimed that it can explain a broad range of socially deviant behavior. Merton explains that society establishes institutionalized goals – usually understood to be financial success which society emphasizes and reinforces. To achieve these goals there are 'socially structured methods' which can be called "means". When such goals are over emphasized and highly

praised but the "means" to achieve them are unavailable to a considerable part of that population then anomie is likely i.e. when success is blocked by the unavailability of "means" individuals experience strain and show two kinds of reactions, either they must adjust their aspirations downward or devise alternative routes to achieve goals. In such an environment deviant behavior is wide spread. According to Merton, five modes are adopted by the people to achieve goals:

1. Conformity,

2. Innovation,

3. Ritualism,

4. Retreatism, and

5. Rebellion.

 Conformity is a path taken by most people, even if they realize that the means to achieve their goals are restricted. **Innovation** is where a person accepts a goal but rejects the accepted, legitimate means to achieve the goal. For example, a child wants a Bicycle, the legitimate means are to ask parents or grand-parents or save money by doing a part time job etc. If all these means are not available an alternative, innovative means may be chosen such as 'theft'. In **Ritualism,** a person continues to follow the institutionalized means such as hard work and thrift but looses sight of the goals or rejected them. This may describe the so called rat- race, in which people work diligently in socially approved ways but have no hope of success in achieving their goals, or no longer identify with long term goals. In **Retreatism,** both goals and means are rejected. The retreatist's response to an inability to reach goals is to drop out, or to quit trying. This may lead to extreme retreatist behaviour such as alcoholism, drug addiction or vagrancy. **Rebellion** is an option for people who reject the approved goals and means to achieve them for new goals and means. Rebels and revolutionaries are disappointed individuals who view accepted goals as unattainable or undesirable and socially approved means of reaching them as demeaning or unworkable. Therefore, these persons substitute new, socially unacceptable goals and means, such as redistribution of wealth through socialist political structure.

Evaluation of Merton's Theory

The strain perspective developed by Merton and his followers has influenced both research and theoretical developments in criminology. Yet, as popular as this theory remains, it has been questioned on a variety of grounds. By concentrating on crime at the

lower levels of the socioeconomic hierarchy, for example, it neglects crime committed by middle and upper –class people.

Other critics question whether a heterogeneous society does have goals on which everyone agrees. Some theorists argue that some subcultures have their own value systems. If this is the case, we cannot account for deviant behavior on the basis of Merton's cultural goals.

Other important questions raised are, if we have an agreed upon set of goals, is material gain the dominant one? If crime is a means to an end, why is there so much of useless, destructive behavior, especially among teenagers?

No matter how it is structured, each society defines goals for its members. For example, the United States is not only the society in which people strive for wealth and prestige. Yet, while some people in the other cultures have limited means for achieving goals, not all these societies have high crime rates. Two such societies –Japan and Switzerland—are among the most developed and industrialized in the world. Although the United States has quite a bit in common with them, it does not share their very low crime rates.

Despite the many critical assessments, strain theory, as represented by Merton's formulation of anomie, has had a major impact on the contemporary criminology.

II. Sub cultural Explanations

The second type of sociological approach focuses on sub cultural explanations, with emphasis on the discrepancy in the norms for different groups.

Meaning of Sub culture

A sub culture is sub-division within the dominant culture that has its own norms beliefs and values. Sub cultures typically emerge when people in similar circumstances find themselves isolated from the main stream and band together for mutual support. Sub cultures may form among members of racial and ethnic minorities, among prisoners, among occupational groups, among ghetto dwellers. Sub cultures exist within a larger society, not apart from it. They therefore share some of its values. Nevertheless, the life styles of their members are significantly different from those of in the dominant culture.

According to Albert Cohen, an American Sociologist, deviant behavior is supported by sub culture. A sub culture of criminals has its own norms which stand over against the norms of the larger group (the dominant culture). The deviance does not appear unusual or abnormal from their point of view. Indeed, most sub cultures have a vague notion that the larger society is unjust and corrupt. Important types of deviant behaviors are juvenile delinquency,

drug addiction, and crime against persons and property etc. The laxity of norms, the anonymous nature of cities and multiple standards of behaviors are often responsible for it.

➢ **Basis of the Sub cultural Theory**

Strain theorists (structural explanations) explain criminal behavior as a result of the frustrations suffered by lower class individuals deprived of legitimate means to reach their goals. Cultural deviance theorists assume that:

▪ Individuals become criminal by learning the criminal values of the groups to which they belong.

▪ In conforming to their own group standards, these people break the law of the dominant culture.

These two perspectives are the foundations of the sub cultural theory.

Nietzel (1979) explains that the sub cultural theory is based on the fact that there is a lack of agreement between norms of different groups. He describes as follows:

"The sub cultural perspective holds that the conflict of norms, which engenders criminal behavior, is due to the fact that various ethnic or class groupings of people adhere to cultural patterns of behavior that are inconsistent with the dominant injunctions against certain types of crime. These illegal patterns of behavior are supported by the particular sub cultural norms that actually exert pressure toward deviation from the consensual norms underlying the criminal law."

Gangs, for example, possess norms about how to behave. For some young people, the gang takes the place of parents as the giver of norms, even when the parents attempt to instill their own values.

III. Multiple Factor Approach

Despite repeated attempts on the part of criminologists propounding different views to formulate a singular theoretical explanation for criminal behavior, no hypothesis could answer the issue satisfactorily. Eventually, the sociologists made use of 'multiple-factor approach' to explain the causation of crime. The supporters of this view believe that crime is a product of a combination of a variety of factors which cannot be narrated in terms of general propositions. This view finds support from the writings of eminent American criminologist *William Healy*, expressing his views on multiple causation theory, Pro. Healy observed that it is not one or two factors which turn a man delinquent but it is a combination of many more factors_ say eight or ten__ which cumulatively influence him to follow criminal conduct. He, however, agreed that all the factors associated with a particular crime

may not have equal importance as a cause of that crime. The extent of their influence on crime may be in varying degrees, some exerting greater influence on the crime while the others, the least. But this theory has been vehemently criticized by Albert Cohen on the ground that it offers no single explanation which can explain crime causation. Moreover, it is fallacious to believe that crimes generate only in deplorable surroundings. The greatest shortcoming of the multiple factor approach to crime according to Cohen is that the adherents of this theory confused 'factors' with those of 'causes' of crime.

From the foregoing analysis it is evident that sociologists consider crime as a product of environmental deviations and varying social conditions. The inter-relation between criminality and some of these conditions may be discussed under the following heads:

i.   Mobility:

The rapid growth of industrialization and urbanization in recent years has led to expansion of means of communication, travel facilities and propagation of views through press and platform. Consequently, human interaction has gone beyond intimate associations with increased chances of mobility. Migration of persons to new places where they are strangers offers them better opportunities for crime as the chances of detection are considerably minimized. Mobility, therefore, serves as a potential cause of social disorganization which may result in deviant behavior due to lack of family control.

ii. Culture Conflicts:

In a dynamic society social change is an inevitable phenomenon. The impact of modernization, urbanization and industrialization in modern dynamic society may sometimes result in social disorganization and this may lead to culture conflicts between different sections of society. The difference may be between old and new values, local and imported values and traditional values and the government imposed values.

Criminality arising out of cultural conflict theory has been well explained by **Shah** and **Mckay** through their *Cultural Transmission theory of crime* which was a dominant criminological theory of the 20th century. The theory simply states that "traditions of delinquency are transmitted through successive generations of the same inhabitation in the same way as language and attitudes are transmitted." The inability of local communities to appreciate the common values of their residents or solve commonly experienced problems causes tension leading to deviant behaviors. This is how criminal traditions get embedded into the functioning of a community and they co-exist alongside conventional values. Sutherland has termed this phenomenon as "differential social disorganization" which is

more common with lower-class neighborhoods. He attributes three main causes for the culture conflict, namely, (1) residential instability; (2) social or ethnic heterogeneity; and (3) poverty.

The shift of population due to migration or immigration quite often affects the crime rate of a given place. The culture conflict between inhabitants and immigrants results in deviant behavior. In a recent study *Ruth* and *Cavan* found that Eskimos who were free from the problem of crime until recently, now frequently indulge into deviant behavior such as, loitering, drunkenness and sex-offences due to their migration to urban areas and social contact with non-Eskimos.

iii. Family Background:

Sutherland holds that out of all the social processes, the family background has perhaps the greatest influence on criminal behavior of the offender; the reason being that children spend most of their time with their parents and relatives within the family. Children are apt to imbibe criminal tendencies, if they find their parents or members of the family behaving in a similar manner. The institution of family is expected to cater to the basic needs of the children. Therefore, the child should feel that he enjoys a certain privilege and protection in his family and that he is loved and liked by his parents and members of the family. This feeling of security, warmth and reliance makes children to lean the virtues of love, respect and duty towards others. Thus, it is through the institution of family that the child unconsciously learns to adjust himself to the environment and accepts the values of life such as respect for others, faithfulness, trustworthiness and co-operation through his own life experiences. It, therefore, follows that a child brought up in a broken family is likely to fall an easy prey to criminality. Lack of parental control over children due to death, divorce or desertion of parent or their ignorance or illness may furnish soothing ground for the children to resort to criminal acts. Again, frequent quarrels amongst parents, undue domination of one over the other, step-motherly treatment with children, frequent births in the family, immorality of parents, misery, poverty or unwholesome family atmosphere and the like may also lead to the neglect of child and finding no adequate outlet for his talents, he may tend to become criminal in his life. To add to the above list, unemployment, low income or parent's continued long absence from home for the sake of livelihood is some other causes for child delinquencies.

iv. Economic Conditions:

Economic conditions also influence criminality to a considerable extent. Present day industrial progress, economic growth and urbanization have paralyzed the Ethiopian domestic

life. The institution of family has disintegrated to such an extent that control of parents over their wards has weakened thus leaving them without any surveillance. Under the circumstances, those who lack self-control fall an easy prey to criminality. The need for economic empowerment of women leads to employment of women and their other outdoor activities. This in turn enhanced the opportunities for sex crime. Again crimes such as hoarding, undue profiteering, black-marketing, etc., are essentially an outcome of economic changes. Now-a-days money is the paramount consideration to assess the social status of a person in society. Crimes in higher circles of society can easily be wiped off through money. Unemployment among the youths is yet another cause of increase in crime rate. If the energies of these young persons are properly channelized, surely the crime rate among this age group will decrease.

It has been generally accepted that there is a strong relationship between criminality and economic or income inequality as also between crime and unemployment. But poverty *per se* (in/by itself) is not the sole cause of criminality; it is only a major factor in crime causation. It is the social disorganization which accounts for criminality among the poorest and not their poverty. Undoubtedly, there is close relationship between unemployment and criminality and particularly, accounts for an unprecedented rise in property crimes and a consequential increase in the arrest rate of juveniles and youth. Those who are jobless or have less secure employment such as casual and contract workers, are more likely to be involved in property crimes.

VII. Social-Psychological Theories of Crime

Social-psychological explanations of criminality view the criminal behavior, as a learned one acquired through a process of *social interaction*. Sometimes they are referred to as *Social-process theories,* in order to draw attention to the processes by which an individual becomes a criminal. These explanations bridge the gap between the unqualified environmentalism of the sociological theories and the narrow individualism of the psychological and biological approaches. Thus, they stress those reciprocal transactions between people and their social environments that would explain why some people behave criminally and others do not.

Social-psychological theories can be divided into two categories:

- ❖ Control Theories,
- ❖ Learning Theories.

i. Control Theories/Social- Control Theories

Control theories assume that the motive to deviate is relatively constant across people, and hence people will frequently behave antisocially unless they are trained not to. Some never form attachments or bonds with significant others, so that necessary controls are never internalized. There are two important theories under these explanations.

Control theory, developed in the 1960s and 1970s, attempts to explain ways to train people to engage in law-abiding behavior. Although there are different approaches within control theory, they share the view that humans require nurturing in order to develop attachments or bonds to people and that personal bonds are key in producing internal controls such as conscience and guilt and external controls such as shame. According to this view, crime is the result of insufficient attachment and commitment to others.

Hirschi's Model (1969):

The sociologist **Travis Hirschi** has developed his own control theory that attempts to explain conforming, or lawful rather than deviant, or unlawful behavior. He stresses the importance of the *individual's bond to society* in determining conforming behavior. His research has found that socioeconomic class has little to do with determining delinquent behavior, and that young people who are not very attached to their parents or to school are more likely to be delinquent than those who are *strongly attached*. He also found that youths who have a *strongly positive view of their own accomplishments* are more likely to view society's laws as valid constraints on their behavior.

His explanation stresses **four *control variables***, each of which represents a major social bond:

1. Attachment,
2. Commitment,
3. Involvement, and
4. Belief.

Attachment: How strong or weak is an individual's relationship with others? Do these others expect certain kinds of behaviour (such as obeying the law) from this individual? The stronger the attachment and the stronger the expectations, the more likely it is that the individual will conform.

Commitment: The more an individual commits his/herself to a particular lifestyle (for example, being married, being a parent, having a job), the more he/she has to lose if he/she becomes involved in crime (and so deviate from the lifestyle).

Involvement: This component comes down to time – the more time the individual spends engaging in law abiding behaviour, the less time he/she has to engage in law breaking behaviour.

Belief: This relates to upbringing. If an individual has been brought up to be law abiding, they are less likely to become involved in crime control.

These variables explain the social bondage i.e. attachment to others in the society. Particularly, young people are bonded to the society at several levels. However, the extent and strength of such bondage differ in the following ways:

- ✓ The degree to which they are affected by the opinions and expectations by others.
- ✓ The payoffs they receive for conventional behavior, and
- ✓ The extent to which they subscribe to the prevailing norms.

As represented in the work of Travis Hirschi, the Social Control Theory proposes that exploiting the process of socialization and Social Learning Theory builds self-control and reduces the inclination to indulge in behavior recognized as antisocial. It is based on Functionalist theories of crime and proposes that there are three types of control:

Direct: by which punishment is threatened or applied for wrongful behavior, and compliance is rewarded by parents, family, and authority figures.

Indirect: by which a youth refrains from delinquency because his or her delinquent act might cause pain and disappointment to parents and others with whom he or she has close relationships.

Internal: by which a person's conscience or sense of guilt prevents him or her from engaging in delinquent acts.

ii. Learning Theories

As a type of social-psychological approach, learning theory focuses on mechanisms by which criminal behavior is learned. One example is Edwin H. Sutherland's (1947)

1. Differential Association Approach: Edwin Sutherland

Edwin H. Sutherland (1883–1950), a U.S. sociologist and criminologist who first presented his ideas in the 1920s and 1930s, advanced the theory of differential association to explain criminal behavior. He emphasized that criminal behavior is learned in interaction with others, usually in small groups, and that criminals learn to favor criminal behavior over noncriminal behavior through association with both forms of behavior in different degrees. As Sutherland wrote, "When persons become criminal, they do so because of contacts with criminal patterns and also because of isolation from anti-criminal patterns." Although his theory has been

greatly influential, Sutherland himself admitted that it did not satisfactorily explain all criminal behavior. Later theorists have modified his approach in an attempt to correct its shortcomings.

According to Sutherland's theory, criminal behavior requires socialization in to a system of values conducive to violating the law; thus the potential criminal learns "definitions" (the actions that define) that is favorable to deviant behavior. If these definitions of the criminal acts as acceptable are stronger than the definitions unfavorable to deviant behavior, then the person is likely to commit a criminal act. Sutherland was suggesting that the difference between those who break the law and those who don't "lies not in their personal fiber but in the content of what they have learned". For example, all of us value money, but some of us acquire it legally, others illegally. What is relevant is the values we place on specific behaviors by which to obtain money. But these definitions need group support; crime will not persist in the absence of "sub culture of violence."

But it is not necessary to associate with criminals directly. Children might learn pro-criminal definitions from middle-class parents, by watching their father's pocket too much change or hearing their mother boast about exceeding speed limit.

Postulates of the Differential Association Theory:

Criminal behavior is learned.

Criminal behavior is learned in interaction with other persons in a process of communication.

The influential aspect of the learning of criminal behavior occurs within intimate social groups.

When social behavior is learned, the learning includes:
- ❖ Techniques of committing the crime, which are sometimes very complicated, sometimes very simple, and
- ❖ The specific direction of motives, drives, rationalizations, and attitudes.
- ❖ The specific direction of motives and drives is learned from definitions of the legal code as favorable or unfavorable.

The process of learning criminal behavior by association with criminal and anti-criminal patterns involves all the mechanisms that are involved in any other learning. Although criminal behavior is an expression of general needs and values, it is not explained by those general needs and values, since non-criminal behavior is an expression of the same needs and values.

Merits of the Theory:

This theory has survived because of its broad scope and its ability to organize masses of research findings.

The theory is admirable with respect to its attempt to explain crime in places where it would not, on first blush, be expected—for example, among law breakers who grew up in affluent environments and who were granted their material wants. Because they commit crime by learning from the peer group etc.

Criticism of the theory:

Many researchers have attempted to validate Sutherland's differential association theory. Others have criticized it. Much of the criticism stems from errors in interpretation:

Some critics ask why it is that not everyone in heavy and prolonged contact with criminal behavior patterns becomes a criminal. For example, Correctional Officers in Prisons, Police Officers etc. They come in to contact with more criminal associations than non-criminal ones. How do they escape from learning to be law-violators themselves?

The answer is, of course, that Sutherland does not tell us that individuals become criminal by associating with criminals or even by association with behavior patterns. He tells us, rather, that a person becomes delinquent because of an "excess of definitions favorable to violation of law." The key word is "definitions."

The theory does not explain all types of criminal behavior. It has difficulty in explaining crimes of passion or impulsive violence.

2. Social Learning Theory:

This theory emphasizes the interaction between person and environment, in a quest not so much to learn why people violate the law but, rather, to identify the conditions under which they might do so. Development of a particular orientation, criminal or non-criminal, reflects an accumulation of reinforcements in a variety of situations. *Patterson* (1980) claims, "children do not outgrow extreme anti-social behavior, they remain deviant unless they are punished."

But other social learning theories are more positive, proposing that child-reasoning practices can be influential, in that the child learns adult behavior patterns, values, and anxieties through observing the experience of the adulthood. However, the interaction between children and their parents can be a two-way street, in which each changes the behavior of the other.

Imitation, or modeling, serves social-learning theory as one useful way to explain the development of certain kinds of behavior. *Bandura* **and** *Walters* **(1963)** showed that

personality traits such as aggression or dependency can be learned through watching others and seeing what kinds of rewards or punishments they receive for their actions. Responses that lead to valued outcomes (or positive reinforcement) are likely immulated.

But the learning that takes place may be influenced by the situation in which it occurs or by the specificity of reinforcements, or rewards. Individuals learn to discriminate one situation from another. Bandura, in studying the behavior of highly aggressive boys, found that it was often *stimulus-bound.* Some of these children had parents who punished the child when he displayed aggression toward them; at the same time, these parents characteristically acted aggressively themselves and encouraged their child to do so with his peers. This pattern of behavior produced boys who are showed little aggression at home but a great deal at school.

In contrast to the differential association type of-psychological approach, some advocates of social-learning theory see children as active participants in their own socialization holding that delinquents are, in fact, capable of establishing behavior patterns to be followed by others. Gerald H. Patterson (1980) concludes from his research:

"Antisocial children train their parents. The antisocial behavior typically has an impact; they are very effective in training adults and peers alike to cease making demands. He child does not have to do chores or to conform to house rules. Similar techniques are used by the child to train teachers and adults in general to believe that it is not necessary for [the child] to go to school or to achieve a reasonable level if he or she does attend."

Criticism:

The social-learning theory has been criticized for its failure to give an independent definition of reinforcement. And studies of some types of crime---embezzling, for example, researchers have found no indication of positive reinforcement for that act in the criminal's social background and environment.

Section Four: Typology of Crime

4.1 The Typologies of Crime-A General Overview

The ancient Romans classified their crimes as, those '*against the gods*' and those '*against other human beings*'. As late as the eighteenth century, some English lawyers simply listed crimes alphabetically. The French of the early nineteenth century created a typology with three categories:

- ✓ Serious crimes (felonies),
- ✓ Medium serious crimes (misdemeanors), and
- ✓ Crimes of a petty character (violations)

The more serious crimes were grouped into categories based on the harm those crimes entailed, such as harm against life, against physical integrity, against honor, against property, and so on.

Nowadays the French categorization is generally accepted worldwide, although lawyers and criminologists may differ on the desirability of lumping various crime types together into categories. Lawyers, after all, may be much more interested in the procedural consequences that flow from the categorizations, while criminologists may be much more concerned with criminological implications for studying different types of perpetrators and devising schemes of crime prevention.

There are also political considerations in devising a typology. For example, the criminal codes of the former communist countries had large categories of political crimes, which were given the most prominent place in those codes. They included many crimes that in Western democracies are grouped in other categories, such as property crimes or crimes against the person, or that may have no counterpart at all.

The typology in US law seeks to accommodate both the established legal typology__ for example, which used in the Model Penal Code __ and the criminological objectives that are so important for the study of crime from a sociological and behavioral perspective. These categories are:

Violent crimes,

Crimes against property,

Organizational criminality, and

Drug-, alcohol-, and sex-related crimes.

Generally speaking, the following types of crimes can be identified:

4. 2. Blue Collar (Otherwise known as crimes in the streets)

In criminology, *blue-collar crime* is any crime committed by an individual from a lower social class as opposed to white-collar crime which is associated with crime committed by individuals of a higher social class. These are easier to detect, people are more afraid of these crimes. Blue collar crimes are more sensational crimes and thereby put more pressure on police due to fear.

The Opportunity To Commit Crime

Every potential criminal is limited in the opportunity to commit crime by the "situation" in which he or she occupies in society. If the individual is employed in a low or unskilled job and lives in an inner-city environment, stealing inventory from the workplace may not produce value and not many neighbors may have valuable property to steal. This has significance both for the type of crimes likely to be committed and for law enforcement. Because there are fewer opportunities to use skill, more blue-collar crime may involve the use of force and, because more people are injured, there is a greater chance that the victim will report the crime. In contrast, in cases of white-collar crime it shades into corporate crime and there is less chance that any crime will be reported

Street crime/ Blue Collar Crimes:

The most common forms of predatory crime—rape, robbery, assault, burglary, larceny, and auto theft—occur most frequently on urban streets. Racial minority citizens account for a disproportionately high number of the arrests for street crimes.

4.2.1 Types of Blue Collar Crimes:

A. Crimes Against Person/Violent crime: Crimes against the person involve violence or the threat of violence against others, violence including:

- **Homicide:** refers to the killing of one human being by another.
- **Rape**: Unlawful sexual intercourse without her consent with the intent to rape.
- **Aggravated assault:** involves attacking a person with the intent to cause serious bodily injury by using weapons like
- **Robbery:** Robbery, unlike simple theft, also involves force or the threat of force or putting a victim in fear and is thus considered a violent crime.
- **Battery**: Unlawful application of force by a person on another
- Two different types (Territo 2004):
- **Attempted Battery**: Engagement in conduct that comes reasonable close to committing a battery, having the present ability to succeed in committing the battery, and intending to commit the battery.

- ❖ **Intentionally Placing Another in Fear**: The placing of another person in fear that he or she will receive an immediate battery; the victim must be in fact apprehensive; the conduct must be sufficient so as to create apprehension in a reasonable person; and the defendant had the intent to create that apprehension.

B. Crimes against Property: Crimes against property involve theft of goods belonging to others, includes:

- ❖ **Larceny**: or simple theft, accounts for more than two-thirds of all property arrests, and is the most common index offense.
- ❖ **Burglary**: Occurs when a person illegally enters a building, or part of a building, in order to commit an offence.
- ❖ **Arson:** involves the malicious burning of the property of another.
- ❖ **Embezzlement**: refers to the fraudulent conversion of the property of another by one who is already in lawful possession thereof with the intent to defraud the victim

C. Victimless Crime/ Vice crimes/ Crime against public Order/: This category involves violation of laws in which there are no readily apparent victims, because it is an act that all involved parties choose to be involved, a misnomer, including prostitution, gambling, drug abuse and pornography.

However, some people argue that these crimes are not victimless crimes, because social norms are violated (Territo 2004).

Two main arguments are made for decriminalizing activities such as drug use, pornography, and prostitution (Territo 2004):

- ❖ Criminal sanctions against these activities constitute an unwarranted intrusion into individual privacy and an indefensible extension of the government's authority.

- ❖ Some argue that enforcing laws against these activities overburdens the police, the courts, and the prisons and increases congestion problems in the criminal justice system.

D. Juvenile Delinquency: Offences committed by persons under 16 years of age. Juvenile delinquency may be described as a status in a juvenile or a young person characterized by anti-social behavior, waywardness and incorrigibility.

4. 3 White-Collar Crimes (Otherwise known as crime in suits)

These crimes are also known as business/economic and political crimes. These are crimes committed by people of high social position in the course of their occupations. They rarely involve violence, but they involve significant public harm. White collar crime victimizes everyone and no one, economic costs spread over large population.

4.3.1 Types of White Collar Crimes:

A. Workplace Crime: These include crimes committed against employers by employees for individual gain; and

B. Occupational Crime: an individual or group's illegal use of their professional position to secure something of value, found at all levels of the labor force, e.g. fraud;

C. Organizational Crime: Committed by the decision-makers of a corporation. Or it may involve government engaging in illegal activity for corporate or organizational advantage as opposed to personal gain. Other types of offences falling under this class are terrorism, selling products which are known to be unsafe or defective.

D. Strategic Bankruptcy: A company which is successfully sued, declares bankruptcy and thus avoids having to pay up and company is then reorganized into new company which is clear of personal/company liabilities.

E. Patriotic Crime: These crimes are committed in the name of achieving important national goals, actions taken outside legitimate channels, e.g. violation of international law, "protecting" national security, undeclared warfare, false imprisonment, failure to regulate pollution, tax laws, etc.

4.4 Other Important Categories of Crime:

i. Crimes against International Law: The international crimes are the major criminal offences so designated by '*the community of nations*' for the protection of interests' common to all human kind.

> ❖ **Newest Category of Crimes:**

ii. Hate Crime: Can be defined as an offense motivated by hatred against a victim because of his or her race, ethnicity, religion, sexual orientation, ancestry, handicap, and national origin.

iii. Computer Crimes or Internet or Cyber Crimes: Just as computers can serve legitimate commerce, governments, and researchers, the global Internet is also accessible for criminal Schemes, exploitation, and use by organized crime. Computer crime generally refers to criminal activity where a computer or network is the source, tool, target, or place of a crime. It is an emerging type of crime involves using computers to "hack" (break into) military, educational, medical, and business computers. The following are some of the most common computer crimes. These includes: unauthorized data, manipulation of data, file creation, hacking, Hardware, software, time, Support criminal enterprising, electronic transfer etc**.**

IV. Organized crime

Criminal activity conducted by members of a hierarchically arranged structure devoted primarily to making money through illegal means. These types of crime include: contraband morality, gambling, loan sharking, extortion, Illegal drugs, bankruptcy and stock fraud etc.

V. Crimes Against Morality

These crimes were not originally tried in the common-law courts; instead they were ecclesiastical crimes, tried and punished by the Church.

Includes:

- ❖ **Bigamy:** Marrying another person while one's spouse is still living.
- ❖ **Incest:** Two people either marry or have sexual relations when they are so closely related.

Section Five

Criminal Justice System

5.1 Definition of criminal justice system

Several definitions are forwarded by different scholars with regard to the definition of criminal justice system. As a result there is no single universally accepted definition. For this course we use the coming definition. **Criminal justice system** refers to the agencies of government charged with enforcing law, adjudicating crime, and correcting criminal conduct. In Ethiopia it is administered by federal, state and local governments.

5.2 Crime prevention and control

Crime prevention has become an increasingly important component of many national strategies on public safety and security. The concept of prevention is grounded in the notion that crime and victimization are driven by many causal or underlying factors. These are the result of a wide range of factors and circumstances that influence the lives of individuals and families as they grow up, and of local environments, and the situations and opportunities that facilitate victimization and offending. Determining what factors are associated with different types of crime can lead to the development of a set of strategies and programmes to change those factors, and prevent or reduce the incidence of those crimes.

5.2.1 Types of Crime Prevention

Various approaches to preventing crime have been developed over approximately the past two decades on the basis of a considerable amount of research and evaluation. The various prevention approaches and programmes are grouped into four main categories. These are:

1. Crime prevention through social development includes a range of social, educational, health and training programmes, such as those that target at-risk children or families when the children are very young, to provide them with support and child-rearing skills. Some early intervention programmes are also referred to as developmental crime prevention, since they try to intervene to develop resilience and social skills among children and their families. Programmes may also target groups of children in areas where children and young people are at particular risk, such as street children or children living in informal settlements or disadvantaged areas. Other examples include education projects in schools, or recreation and skills training projects for children and young people in the community, also in an attempt to increase awareness and resilience as they grow up and develop.

The prevention programmes of this type: Promote the well-being of people and encourage pro-social

behaviour through social, economic, health and educational measures, with a particular emphasis on children and youth, and focus on the risk and protective factors associated with crime and victimization.

2. Community, or locally-based crime prevention, instead of targeting individuals, targets areas where the risks of becoming involved in crime or being victimized are high. This includes areas with high levels of deprivation, both in terms of infrastructure, services and wealth, or lack of community cohesion. This can include slums and informal settlements, or inner-city or suburban housing projects, often areas with a concentration of economic and social problems.

Community crime prevention often involves the active participation of local residents and organizations in those communities and neighbourhoods. They may be involved in identifying local priorities as well as implementing responses.

3. Situational crime prevention covers approaches that aim to reduce the opportunities for people to commit crimes, to increase the risks and costs of being caught and to minimize the benefits. For example, such techniques include designing public spaces or housing to make it more difficult for people to break equipment or enter buildings without permission, or marking products so that they can be identified if they are stolen

4. Reintegration programmes. Crime prevention through reintegration refers to all programmes that work with children, young people or adults already involved in the criminal justice system, including those in custody and returning to the community.

Programmes may take place in the community, sheltered homes that provide safe accommodation and in-house support and advice, and may include apprenticeship programmes, job-creation schemes, life-skills training, microcredit facilities and long-term support. Programmes that teach conflict resolution skills or use restorative justice approaches, such as victim-offender mediation or family or community group conferencing, are other examples of ways in which offenders can be assisted in returning to civil society. These are all examples of crime prevention focusing on re-integration, with the overall aim of preventing re-offending.

5.2.2 The role of police in Crime Prevention and Control

From the perspective of society as a whole, the best and most useful activity that law enforcement agencies can carry out is crime prevention. If crimes are successfully (and justly) prevented before they occur, the societal costs and suffering associated with the effects of crime are completely avoided.

Crime prevention, relies on some key partners, including the police. Countries vary considerably in terms of the characteristics of their policing, the number and types of police forces they have, their

history and orientation, and distribution of responsibilities. In post-conflict settings, they may be highly centralized and militaristic in their style and training, and in many countries there may be a lack of trust in the police on the part of the public. Nevertheless, the police have an important but not exclusive role in strategic prevention at national and State levels, especially at the local government level. It is not uncommon for the police to be seen as having the main responsibility for crime prevention and as the natural lead institution in all questions of safety, rather than as a partner with other institutional sectors. Police carry part but by no means all of the responsibility for crime prevention.

Crime prevention activities are also one of the more controversial parts of police work. Because of their potential impact on a broad citizenry, such activities often raise civil liberty questions. In addition, the interdependence of all the institutions and activities that go into crime prevention make it difficult to unambiguously assess the effectiveness of any individual component. In spite of the difficulty in rigorously determining what prevents crime, several police activities are at least partially justified by the assumption that they contribute to crime prevention. Here, we discuss three such functions: surveillance, crime analysis, and offender tracking

A. SURVEILLANCE

Police surveillance is one activity justified by its potential effect on crime prevention. Proponents of surveillance claim that it prevents crime by deterrence, especially when overt surveillance activities remind potential criminals of police presence and observation. Critics contend that surveillance may simply displace crime to unobserved locations, rather than prevent it. Regardless, it is the case that if an area under surveillance becomes a crime scene, the surveillance can both alert police to the need for an operational response and/or provide evidence for subsequent criminal investigation and prosecution.

B. CRIME ANALYSIS

Analysis of crime data can reveal patterns that are helpful not only in preventing and operationally responding to crime but also in increasing accountability to police leadership and the public. Most departments do some type of crime analysis, most commonly preparation of crime statistics. The analysis shows the incidence and forms of crime. Thus, it plays key role for the police officials and other concerning legal bodies to launch various crime prevention activities.

C. EDUCATIONAL

Police also play significant role by creating awareness to the mass about the destructive effect of crime and other illegal acts as well as different prevention strategies. So as to raise the awareness of the people it uses different ways like TV programs and teachings in institutions like school, court etc.

5.3 The Ethiopian Police Force: Origin and Development

5.3.1 Meaning of police

To start with the etymology of the word *"police"* is derived from the Latin word *"politia"* which is the Latinizations of the Greek word *"politeia"*, meaning "citizenship, administration, civil polity". In ancient Greece the term *"polissoos"*, referred to a person who was "guarding a city". Black's Law dictionary broadly defines the word police as *the governmental department charged with the preservation of public order the promotion of public safety, and the prevention and detection of crime*. Encarta dictionary on its part defines the word police as *a civil organization whose members are given special legal powers by the government and whose task is to maintain public order and to solve and prevent crimes.*

The Amharic dictionary published by Ethiopian Linguistic study and research Institute defines it as "ሥላምና ፀጥታን እንዲሁም ሕግን የሚያስከብር ፣ ወንጀልን የሚከላከል በመንግስት የተቀጠረ መለዮ ለባሽ ". Therefore when we hear the word police we simply understand that it is a governmental organ that is indebted in the activities of ensuring the peace and security of the society, prevention of crime and investigation of committed crimes.

The history of police force in Ethiopia trace back to the reign of Emperor Menelik II. In 1913, during the reign of Emperor Menelik II, the Ethiopian police was founded for the first time in our history. The police force was known as ' YeketemaZebegna" or the City's Guard. Just before the invasion of our country by Italy in 1936, City (Arada) "Zebegna" (Guard) was founded to keep the security of the capital and this establishment was well organized and suitable for the needs of the time. These promising beginnings were snuffed out with Ethiopia's defeat in the Second Italo-Abyssinian War.

After his restoration to power in 1945, all government structures were abolished and new ones instituted by Emperor Haile Selassie by royal decree No. 6/1934. A modern police establishment was newly founded. This was organized under British tutelage as a centralized national force with paramilitary and constabulary units. Then in 1946 the authorities opened the Ethiopian Police College at Sendafa. In 1956 the imperial government amalgamated the separate city police forces with the national police force. Initially administered as a department of the Ministry of Interior, the national police had evolved, by the early 1970s, into an independent agency commanded by a police commissioner responsible to the emperor.

After the downfall of the monarchic government in 1974, the military junta – the Dergue –that came to power enacted proclamation no. 10/1974 to provide for the nation's security and protection; however, no provision was incorporated therein regarding organizational matters of the police. No

separate proclamation of the police establishment was enacted until the downfall of Dergue in 1991.

After the downfall of Dergue, the police institution was re-establish for better organizational capabilities under the policy of decentralization. The current police establishment, the Federal Police Commission, was founded pursuant to proclamation no. 720/2004 based on the principles of non-partisanship, impartial service to the society, commitment to policing ethics, competence and quality of service.

The current government, in organizing the police according to the decentralized power system arrangement follows a complete deviation, as a result of the dictation of the federal arrangement. Currently, the Federal Government and the state's share the police structure. Apart from the federal police headed by the Ministry of the Federal Affairs, the power to organize and determine the structure of state police is within the states' jurisdiction.

The participation of the public in recruiting and evaluating the activities of the police, so as to enable the police to protect human rights and discharge its functions with the cooperation of the public, is highly emphasized. With regard to the decision to share police power between the regions and the federal government (in Ethiopia at present, this is dictated by political reasons) the powers and functions of police have emanated from the constitution -article 52 sub article 2 (g) - which gives power to regional states to own and administer regional police officers with the aim of maintaining public order and peace within the state. In addition, article 51 sub article 6 embraces the right of the Federal Government to institute a Federal Police Force.

At present, the country has a police force organized at central and regional levels. As stated in the Constitution of the Federal Democratic Republic of Ethiopia (FDRE), the federal government has its own police force and the states have their own police agencies. According to Article 49 of the constitution of the F.D.R.E, Addis Ababa is the capital city of the Federal Government. Moreover, it is stated in the same article that Addis Ababa shall have a full measure of self-government and is accountable to the Federal Government under the ministry of the Federal Affairs.

The criminal Justice System

System or Collection of Agencies?

The phrase *criminal justice system* invites much conjecture. Each term may be queried, and this leaves the validity of the phrase in doubt. All commentators agree that the various agencies that comprise the system are only loosely coupled. Although they are connected to each other and share certain objectives, they also have their own agendas. A more accurate term for *system* would be a collection of interdependent agencies, each having its own function.

As Davies, Croall and Tyrer (2005, p 10) observe, the criminal law does not enforce itself. Rather

people working in particular agencies enforce it: that is, the police, prosecutors, and judges etc.

Table 1 below briefly lists each agency and its functions.

N0	Agencies	Functions
1	**Police** **(Police officers)**	❖ Investigate crime ❖ Prevent crime ❖ Arrest and detain suspects ❖ Maintain public order ❖ Control traffic ❖ Respond to criminal and non-criminal emergencies
2	**Prosecution** **(Prosecutors)**	✓ Filter out weak cases, keep strong cases ✓ Prepare cases for prosecution ✓ Prosecute cases in district, and Supreme Courts, including preparing cases for trial
3	**Courts** **(judges)**	➢ Decide on bail and remands (detention or not in pre-trial period) ➢ Protect the rights of the defendant ➢ Preside over the trial and plea process ➢ Decide on guilt (magistrate, judge, or jury) ➢ Sentence the defendant ➢ Hear appeals against conviction and sentence ➢ Provide public arena so that justice "can be seen" to be done
4	**Prisons** **(Corrections officers)**	❖ Hold people on remand (in custody in pre-trial period) ❖ Hold people who are sentenced to a term of imprisonment ❖ Maintain appropriate conditions for those in custody ❖ Provide activities that encourage learning and life skills ❖ Prepare inmates for release

5.4 Correctional administration and treatment of criminals

Corrections in general refer to society's handling of persons after their conviction of a criminal offense. The components of the criminal justice system that serve to punish criminal offenders involve the deprivation of life, liberty or property after due process of law. Sentences imposed upon offenders range from probation to serving time in prison, with intermediate sanctions, including sentences to a halfway house or community corrections program, home confinement, and electronic monitoring. Financial penalties may include fines, forfeiture, and restitution.

Various correctional approaches developed in the wake of causation theories. As we have discussed in section one of this course different schools of criminology have their own stand with regard to correctional approaches. The old theological and moralistic theories encouraged punishment as

retribution by society for evil. This attitude, indeed, still exists. The 19th-century British jurist and philosopher Jeremy Bentham tried to make the punishment more precisely fit the crime. Bentham believed that pleasure could be measured against pain in all areas of human choice and conduct and that human happiness could be attained through such hedonic calculus. He argued that criminals would be deterred from crime if they knew, specifically, the suffering they would experience if caught. Bentham therefore urged definite, inflexible penalties for each class of crime; the pain of the penalty would outweigh only slightly the pleasure of success in crime; it would exceed it sufficiently to act as a deterrent, but not so much as to amount to wanton cruelty. This so-called calculus of pleasures and pains was based on psychological postulates no longer accepted.

The Bentham approach was in part superseded in the late 19th and early 20th centuries by a movement known as the neoclassical school. This school, rejecting fixed punishments, proposed that sentences vary with the particular circumstances of a crime, such as the age, intellectual level, and emotional state of the offender; the motives and other conditions that may have incited to crime; and the offender's past record and chances of rehabilitation. The influence of the neoclassical school led to the development of such concepts as grades of crime and punishment, indeterminate sentences, and the limited responsibility of young or mentally deficient offenders.

At about the same time, the so-called Italian school stressed measures for preventing crime rather than punishing it. Members of this school argued that individuals are shaped by forces beyond their control and therefore cannot be held fully responsible for their crimes. They urged birth control, censorship of pornographic literature, and other actions designed to mitigate the influences contributing to crime. The Italian school has had a lasting influence on the thinking of present-day criminologists.

The modern approach to the treatment of criminals owes most to psychiatric and case-study methods. Much continues to be learned from offenders who have been placed on probation or parole and whose behavior, both in and out of prison, has been studied intensively. The contemporary scientific attitude is that criminals are individual personalities and that their rehabilitation can be brought about only through individual treatment. Increased juvenile crime has aroused public concern and has stimulated study of the emotional disturbances that foster delinquency. This growing understanding of delinquency has contributed to the understanding of criminals of all ages.

During recent years, crime has been under attack from many directions. The treatment and rehabilitation of criminals has improved in many areas. The emotional problems of convicts have been studied and efforts have been made to help such offenders. Much, however, remains to be done. Parole boards have engaged persons trained in psychology and social work to help convicts on

parole or probation adjusts to society. Various states have agencies with programs of reform and rehabilitation for both adult and juvenile offenders.

Many communities have initiated concerted attacks on the conditions that breed crime. Criminologists recognize that both adult and juvenile crime stem chiefly from the breakdown of traditional social norms and controls, resulting from industrialization, urbanization, increasing physical and social mobility, and the effects of economic crises and wars. Most criminologists believe that effective crime prevention requires community agencies and programs to provide the guidance and control performed, ideally and traditionally, by the family and by the force of social custom. Although the crime rate has not drastically diminished as a result of these efforts, it is hoped that the extension and improvement of all valid approaches to prevention of crime eventually will reduce its incidence.

5.4. 1 Punishment

Meaning and Definition

The word is the abstract substanvation of the verb "to punish", which is recorded in English since 1340, deriving from Old French *puniss-*, an extended form of the stem of *punir* "to punish," from Latin *punire* "inflict a penalty on, cause pain for some offense," earlier *poenire*, from *poena* "penalty, punishment of great loss" .

Colloquial use of "to punish" for "to inflict heavy damage or loss" is first recorded in 1801, originally in boxing; for "punishing" as "hard-hitting" is from 1811.

The Stanford Encyclopedia of Philosophy defines punishment as, *an authorized imposition of deprivations — of freedom or privacy or other goods to which the person otherwise has a right, or the imposition of special burdens — because the person has been found guilty of some criminal violation, typically (though not invariably) involving harm to the innocent."*

The most common applications of the term are in legal and similarly 'regulated' contexts, being the infliction of some kind of *pain* or *loss* upon a person for a misdeed, i.e. for transgressing a law or command (including prohibitions) given by some authority such as the state, an educator, employer or supervisor, public or private official.

Essential Elements of 'Punishment':

Punishment is the infliction by the state of consequences normally considered unpleasant, on a person in response to his having been convicted of a crime" (Snarr, 1992: 53). The important elements of punishment, according to Hart, are the following:

- ❖ It must involve pain or other consequences normally considered unpleasant;
- ❖ It must be administered for some offence against legal rules;
- ❖ It must be administered to an actual or supposed offender for his offence;

❖ Persons other than the offender must intestinally administer it;

❖ It must be imposed and administered by an authority constituted by a legal system against which the offence is committed (as summarized by Dae H. Chang, 1976: 108).

5.4.1.1 Philosophies of Punishment

The history of criminal law shows that what is considered to be the purpose of criminal law has been changing from time to time with the development of human knowledge about the criminal mind i.e. the development of criminology. There are various theories concerning the purpose of punishment ranging from retribution, through prevention, deterrence, reformation and education to rehabilitation. The following have been considered as the specific purposes of punishment in almost all criminal laws.

I. Revenge or retribution

Is one of the oldest justifications for punishment. The assumption is that since the victim has suffered so much the offender. Revenge may be understandable form the victim's point of view or his loved ones. However, the determination of the severity of the punishment, or the attempt to make the punishment fit the crime is not easy (Cox and Wade, 1989: 215-17).

The origin of retributive theory lies in the primitive notion of vengeance against the wrong-doer. Punishment satisfies the feeling of revenge. It largely stems from the Biblical saying of   an eye for an eye: a tooth for tooth; and life for life . Many old forms of punishments have been imposed based on this need to avenge the victim of a crime by punishing the criminal in the same manner as he committed the crime. For example, in olden times, when a man injured another, it was the right of the injured to take revenge on the person causing injury.

However, in modern times retribution is used in more than one sense. In the first sense, the idea is that of satisfaction by the state of the victim's desire to be avenged; in the second, it is that of the states marking its disapproval of the breaking of its laws by a punishment proportional to the gravity of the crime. In modern penological thought retribution is not so much considered in the sense of vengeance but in the sense of reprobation.

II. Deterrence

Deterrence is defined as   *A justification for punishment based on the idea that crime can be discouraged or prevented by instilling in potential criminals a fear of punishing consequences. Punished offends, it is hoped, will serve as examples to deter potential criminals from antisocial conduct (Vetter and Silverman, 1986: 572).* The idea of deterrence is best illustrated by the words of an eighteenth-century judge who told the defendant at a sentencing,   You are to be hanged not because you have stolen a sheep but in order that others may not steal sheep (Inciardi, 1987: 452).

The purpose of the punishment is to deter the criminal from committing crime in future and to set as an example to the prospective criminals. It carries the message that those who violate the law will be punished like wise. The idea is that punishment will curb the criminal activities of the potential criminals. In olden times severe punishments and public executions were held mainly with the object to deter others and to set an example that violation of law will be punished. Thus punishment serves as deterrence in two ways:

A. General Deterrence:

The punishment of one criminal and the publicity given to it are assumed to discourage other potential law breakers. Advocates of the death penalty, for example, believe that fear of death may serve as a serious threat to people, and thus the death penalty serves the function of general deterrence of serious crimes.

B. Specific / Individual Deterrence:

Punishment of the criminal is assumed to keep that specific criminal from committing other crimes in the future. Some theories assume that criminals lack internal inhibitors, and hence unpleasant sanctions must be used to teach them a lesson.

III. Prevention:

According to this conception, the purpose of punishment is to prevent the criminal from committing crimes by physically disabling him by separating him and keeping him in seclusion from the society for a certain period of time. This way the society is spared from the disturbance created by the criminal. If a convicted offender is sent to prison, society can feel safe and confident that the criminal will not be committing further crimes.

The difference between the deterrent theory and preventive theory has to be understood clearly. According to deterrent purpose the criminals and the prospective criminals learn a lesson by the fear of severe punishment and voluntarily abstain from committing crimes. In prevention they are physically in capacitated or disabled since they lack self-control and must be restrained. Here the restraint is external by deprivation of their liberty. Prevention or incapacitation is a more general objective of correctional administration. Prisons are usually viewed as institutions in which prisons are isolated or incapacitated, i.e., prevented from committing further crimes.

Iv. Reformation/Rehabilitation:

Punishment the purpose of which is to change the character of the offender is known as reformative punishment. This theory is also known as corrective or rehabilitative theory'. Reformation means the effort to restore a man to society as a better and wiser man and as a good citizen. According to this theory, punishment attempts to make the criminal harm less by supplying him the understanding he

lacks and cures him of those draw backs which made him to commit crime.

V. An Integrative View:

We have discussed above various theories regarding the purpose of punishment. However, while each one of them has some value of its own none of them is universally acceptable. If correction alone is emphasized, the retributive and deterrent elements become ineffective. In official circles, deterrence is strongly supported as a necessary and potent defense of social values. Pure retributions view makes punishment barbaric and leaves little room for reformation. On the other hand, such treatment is likely to make these criminals feel bitter and turn to habitual criminality.

It is now recognized that the prevention of crime and protection of society' are ends asserted by everyone. Thus, an inclusive theory' which is a cultivation of all the elements of retribution, deterrence, prevention and reformation has been gaining ground in recent years.

5.4.1.2 Different Types of Punishment

- ❖ **Capital Punishment:** the **death penalty** or **execution**, is the killing of a person by judicial process for retribution and incapacitation.
- ❖ **Imprisonment:** Imprisonment presents a most simple penal and common form of sentencing for incapacitating the criminals

Other types of punishment also includes: (1) financial loss; (2) physical torture; (3) restitution and reparation; (4) banishment and transportation (6) social degradation; (7) removal from the group; (8) reduction to a lower social status; (9) enslavement; (10) deprivation of privileges, i.e., voting or marriage rights; and (11) hard labor.

5.5 Alternatives to Imprisonment

Parole and probation have been tried by different countries and have been proved to serve best alternatives for the imprisonment to bring back the criminal to the society as a law abiding citizen. These strategies seem to appeal to his mind persuasively as he gets a lenient and compassionate treatment from the law enforcement system.

5.5. 1. Parole System:

Parole may have different meanings depending on the field and judiciary system. All of the meanings originated from the French *parole,* meaning "(spoken) word." Following its use in late-medieval Anglo-French chivalric practice, the term became associated with the release of prisoners based on prisoners giving their word of honor to abide by certain restrictions. Before being granted the privilege of parole, the inmate must first agree to abide by the conditions of parole set by the paroling authority. These conditions usually require the parolee to meet regularly with his or her

parole officer or community corrections agent, who assesses the behavior and adjustment of the parolee and determines whether the parolee is violating any of his or her terms of release (typically these include being at home during certain hours, maintaining steady employment, not absconding, refraining from illicit drug use and sometimes, abstaining from alcohol). In some cases, a parolee may be discharged from parole before the time called for in the original sentence if it is determined that the parole restrictions are no longer necessary for the protection of society (this most frequently occurs when elderly parolees are involved).

5.5. 2. Probation:

Probation is the suspension of all or part of a jail sentence; the criminal who is "on probation" has been convicted of a crime, but instead of serving jail time, has been found by the Court to be amenable to probation and will be returned to the community for a period in which they will have to abide to certain conditions set forth by the Court under the supervision of a probation officer; or has served part of the sentence but has been released before its end. General conditions may include maintaining employment, abiding to a curfew, living where directed, abstaining from unlawful behavior, following the probation officer's orders, not absconding, and refraining from contact with other individuals, who may include victims of the original crime (such as a former partner in a domestic violence case), potential victims of similar crimes (such as minors when the crime involves child sexual abuse), potential witnesses, or those who have partnered with the offender in the earlier crime. In some cases the offender on probation is fitted with an electronic tag which signals his or her whereabouts to officials.

5.5. 3. Community-Based Rehabilitation:

Community-based corrections are a general term that refers to various types of non-institutional correctional programs for criminal offenders. These include, among others, such options as diversion, pretrial release, probation, restitution and community services, temporary release, halfway houses, furlough, and parole. These are considered useful in dealing with offenders in the community.

Many criminologists argue that courts are too harsh on non-violent offenders, and usually a large majority of offenders that serve time in prisons are non-violent. Haas and Alpert argued:

There are three factors that are usually cited in favor of **community-based** corrections. Community supervision is considered to be cheaper than incarceration. However, costs vary from country to country. But there is a claim that prison is three to ten times more expensive than community supervision. Secondly, if we are to measure rehabilitation by the rate of recidivism, prison is no more effective than community supervision. Thirdly, incarceration is more harmful to both the individual

and the society. Besides, there is the suffering of family members, particularly that of the children of women offenders (Cole, 1986: 578).