

S. P. LAW CLASSES

CRIMINAL PSYCHOLOGY AND CRIMINAL SOCIOLOGY

SR. NO.	CONTENTS	PAGE NO.
	SYLABUS	2
MODULE 01	CRIME, CRIMINAL, CRIMINOLOGY	5
MODULE 02	PSYCHOLOGY AND CRIME	35
MODULE 03	PSYCHOMATRIC TEST-ITS USE IN CRIMINAL BEHAVIOUR MESUREMENT OF CRIMINAL BEHAVIOUR	60
MODULE 04	FORENSIC PSYCHOLOGY-CONCEPT AND IMPORTANCE	74
MODULE 05	SOCIOLOGICAL THEORIES CRIME AND SOCIAL STRUCTURE	86
MODULE 06	SUBCTURAL THEORIES	96
MODULE 07	CRIME AND SOCIAL PROCESS	100
	QUESTION PAPER	119

Price - Rs. 140/-

LO 0507 Criminal Psychology and Criminal Sociology

Objectives of the Course : The course is designed to acquaint students with advances made by sociology and psychiatry in understanding human behavior, particularly, deviant behavior. The objective of the course is to provide in-depth understanding of crime causation and its prevention. Advancement in the science of psychiatry and sociology has changed the understanding of criminology as a science. At the end of the course students would be able to understand the causation of crime in a better scientific and rational manner.

Module 01**Crime, Criminal and Criminology :**

What is crime? Who is the criminal?

What is Criminology?

Schools of Criminology :-

The Pre-Classical School

The Classical School

Neo-Classical School

Positivist Approach - Radical Positivism and Liberal Positivism

Cesare Lombroso??

Enrico Ferri??

Raffaele Garofalo??

Gabrial Tarde??

Module 02**Psychology and Crime :**

Meaning, purpose and scope of criminal psychology

Psychological vs. Psycho-analytical approach to crime

Behaviorist approach to crime

Definition of criminal behavior - Psychodynamics of criminal behavior.

Mental illness and crime

Human aggression and violence to crime

Module 03**Psychometric Test - Its use in Criminal behavior :**

Measurement of criminal behavior - Psychological test to measure criminal behavior

Criminal profiling: Definition and process of profiling criminal personality

Factors underling criminal profiling

Merit and demerit of criminal profiling

Module 04**Forensic Psychology - Concept and Importance :**

Definition, meaning and scope of forensic psychology

Historical background of forensic psychology in India and abroad

Role of forensic psychology in the investigation of crime

Psychology and the police

Application of psychology in court

Application of psychology in prison

Module 05 Sociological Theories - Crime and Social Structure :

- 1) Social structure theory
- 2) Social disorganization theory
- 3) Merton, anomie and strain

Module 06 Subcultural Theories :

- 1) Cohen's theory of the delinquent subculture
- 2) Miller's lower class gang delinquency

Module 07 Crime and Social Process :

- 1) Socialization and Crime- Differential association theory
- 2) Differential reinforcement theory
- 3) Neutralization and rift theory
- 4) Hirsch's Social Control or Social Bond Theory
- 5) Becker's Labelling theory
- 6) Self-Control and Self Esteem as related to crime

Recommended Readings :

- 1) Akers, Ronald.L. and Sellers, Christin, S. (2004) Criminological Theories (4th Edition) Rawat Publication, New Delhi.
- 2) Void, George B., Benard Thomas J., and Snipes, Jeffrey B. (2002), Theoretical Criminology, Oxford University Press, Oxford.
- 3) Siegel, L.J (2003) Criminology, (8th Edition) Wadsworth, USA.
- 4) Schmalleger Frank, Criminology Today, (1996) Prentice Hall, New Jersey.
- 5) Dennis Howitt, 2002, Forensic and Criminal Psychology, Prentice Hall
- 6) Encyclopedia of Criminal and Deviant Behaviour, 2001, Clifffon D. Pryart, Editor-in Chief, Burunner Routledge Taylor & Frances Group
- 7) Bartal, Curt R, 1999, Criminal Behaviour : A Psychosocial Approach, 5th edition, Prentice Hall, New Delhi.
- 8) Hollin, Clive R Routledge & Kegan Paul, 1989, Psychology and Crime: An introduction to Criminal Psychology, London.
- 9) Dartmouth Aldershot, 1987, Criminal Detection and Psychology of Crime,
- 10) Harvard LPC Forensic Psychology, 1981, Professor of Clinical Psychology, University of Surrey, Batsford Academic & Educational Ltd. London.
- 11) Adman Raine, 1983, The Psychopathology of Crime, Criminal Disorder, Academic Press, Inc.
- 12) Navin Kumar, (2015), Criminal Psychology, Lexis Nexis, New Delhi.
- 13) Shukla Girjesh, (2013), Criminology, Lexis Nexis, New Delhi.
- 14) McLaughlin Eugene & Newburn Tim (Ed) (2010), The Sage Handbook of Criminological Theory, Sage Publication Ltd, New Delhi.
- 15) Prof. N.V. Paranjape, Criminology And Penology With Victiomology, Central Law Publications.
- 16) S.M.A. Quadri, Criminology And Penology, Eastern Book Company
- 17) Dr. Krishna Pal Malik, Penology , Victiomology And Correctional Administration In India, Allahabad Law Agency
- 18) J.P. Sirohi, Criminology And Criminal Administration, Allahabad Law Agency

3. Medium of Instruction and Division of Marks :

- (1) The medium for instruction and for examination of all subjects in B.A. LL.B., B.B.A. LL.B. and LL.B. courses shall be English.
- (2) Each subject of B.A. LL.B., B.B.A. LL.B. and LL.B. courses shall be of 100 marks.
- (3) The division of 100 marks for all the subjects, except for practical training subjects, shall be as under:
 - (a) University Written Examination : 80 marks.
 - (b) Internal Assessment by College : 20 marks.

6. Question Paper Pattern for University Written Examination (80 Marks):

The question paper for University written examination of each subject, except for Practical Training Paper IV - Moot Court Exercise and Internship, shall be as under :

- (1) Part A Questions (45 marks) : Part A of question paper shall consist of essay type questions or questions of critical comments depending on the nature of subject. A student has to answer the questions with critical evaluation. There shall be five questions and the student has to answer any three questions. Each question shall be for 15 marks.
- (2) Part B Questions (20 marks) : Part B of question paper shall consist of short essay type questions depending on the nature of subject. A student has to answer the questions explaining concepts with illustrations. There shall be four questions and the student has to answer any two questions. Each question shall be for 10 marks.
- (3) Part C Questions (15 marks) : Part C of question paper shall consist of short answer questions or solving of hypothetical problems, etc. There shall be five questions and the student has to answer any three questions. Each question shall be for 5 marks.

Note : The question paper pattern given herein may be changed or altered depending on the nature of subject e.g. non-law subjects. The question paper pattern given herein may also be changed or altered by the University at any time without prior information to the students.

7. Internal Assessment by College (20 Marks) :

- (1) The division of 20 marks for each subject, except for practical training subjects, for internal assessment shall be as under:
 - (a) Written Submissions : 10 marks.
 - (b) Class Performance : 10 marks.

1

MODULE - 01

CRIME, CRIMINAL, CRIMINOLOGY

CRIMINOLGOY

*Qtn. Discuss the concept of crime, who is a criminal and Classification of Criminal?
Define crime? Do you agree with the view that crime is anti-social behaviour?*

SYNOPSIS

- 1) *Introduction*
- 2) *Definition of crime*
 - a) *Crime as a public wrong*
 - b) *Crime as a moral wrong*
 - c) *Crime as a conventional wrong*
 - d) *Crime as social wrong*
 - e) *Crime as procedural wrong*
 - f) *Crime as legal wrong*
- 3) *Characteristics of Crime*
- 4) *Classification of Crime*
- 5) *Who is a Criminal*
- 6) *Classification of criminal*
- 7) *Conclusion*

1) INTRODUCTION -

Crime is one of the most burning problems of human society. There is no society without the problem of criminality. The concept of crime is not new. Infact, criminal activities have been associated with the development of society. But in our present society the problem of crime has become more magnified. Consequently, there has been increasing incidences on the study of crime. In sociology, we study the science of society which includes the positive as well as negative aspects of society. In positive aspect, we try to understand the social order. On the other hand, in the negative aspect we try to understand the aspect of social disorganization.

Crime and social norms - In every society there are certain persons who do not conform to the norms laid down by the society. Hence, in the study of sociology, we are also interested in the negatives of man. In other words, these negative activities which do not conform to the rules of society are called anti-social activities. The anti-social activities which a man can commit are of two types, namely, an offence against an individual and an offence against the State. The offence against an individual is called a civil offence. On the other hand, offence against the State is called criminal offence.

Crime is an act against the State - In sociology, when we take-up study of social pathology, we are more interested in the criminal offence. As crime is an act done against the State because it is the State which declared a particular act as criminal act. An act to be considered a crime solely depends upon the ideas, philosophies and culture of each society separately.

Concept of crime dynamic - It is to be noted that an act may be a crime in one society at one time and may not be a crime at another time. It is because the society in which man lives is dynamic. In other words, our attitudes towards crime cannot remain constant when our society itself is dynamic. Thus crime is neither stable nor homogenous. It varies from time to time and place to place. A particular act may not be considered crime in the same society. Therefore universal preposition cannot be made regarding the problem of crime.

2) DEFINITION OF CRIME -

Number of the jurists tried to define what crime is? But it is a difficult task. It is not possible to give any precise and comprehensive definition of crime. In fact, criminal offences are basically the creation of criminal policy adopted from time to time by the legal system of the country. A crime may be described as a result of active or passive conduct of human being, which is prevented by the policy of the governing power in the state. It is better to discuss and examine some of the definitions propounded by various jurists in order to understand the meaning and the concept of crime in its correct perspective.

a) Crime as a public wrong:

Blackstone - In his classical work "Commentaries on Law of England" defines crime in two ways-

- a. *Crime is an act committed or omitted in violation of a public law forbidding or commanding it.*
- b. *Blackstone* afterwards modified this definition slightly and said that -
"A crime is a violation of public rights and duties due to the whole community, considered as a community."

According to Blackstone crime is anti-social act and thus becomes a violation against the community. But it is criticized that there are certain crimes which offend only rights of the individual and not of the community as a whole, e. g. murder, grievous hurt, etc.

Sir James Stephan slightly modified the definition of Blackstone and reconstructed it. According to him, "a crime is a violation of rights, considered in reference to the evil tendency of such violation as regards the community at large." The above definitions given by Blackstone and Stephan stressed upon that the crimes are branches of those laws, which injure the community. However, all the acts that are injurious to the community are not necessarily crime.

b) Crime as a moral wrong:

According to some jurists, the word crime is applied to those acts that go against social order and are worthy of serious condemnation. An eminent criminologist *Garafalo* defines crime in terms of immoral and anti-social acts. He says crime is an immoral and harmful act that is regarded as criminal by public opinion because it is an injury to some much of moral sense.

c) Crime as a conventional wrong:

A great criminologist *Edwin Sutherland* defines crime in terms of criminal behaviour. He says, "Criminal behaviour is the behaviour in violation of criminal crime unless it is prohibited by the criminal law. The criminal law, is defined conventionally as "*a body of specific rules regarding human conduct which have been promulgated by political authority, which apply uniformly to all the members of classes.*" This body of the rule are rules regarding human conduct, which are different from other rules like politically specificity, uniformity and penal sanction."

Sutherland merely enumerates the characteristics of a crime instead of giving a definition of crime. He only says that crime is a violation of the criminal law.

d) Crime as social wrong -

John Gillin gives a sociological definition of crime as legal concept of crime does not go deep enough to satisfy the demands of developing social science.

According to him, "*Crime is an act that has been shown to be actually harmful to society or that is believed to be socially harmful by a group of people that has the power to enforce its beliefs, and that places such act under the ban of positive penalties.*"

e) Crime as a procedural wrong -

Some jurists define crime in terms of nature of proceeding adopted in such cases. *Austin* while making a distinction between civil and criminal wrongs observes that "*wrong which is pursued by the sovereign or his subordinates is a crime. A wrong which is pursued at the discretion of the injured party and his representatives is a civil injury.*"

It is criticized that there are number of offences in which the prosecution could be initiated only at the instance of injured party as in torts. No court will take cognizance of the offence of adultery unless a complaint is made by husband of the woman.

According to *Kenny*, "Crimes are wrongs whose sanction is punitive, and is in no way remissible by any private person, but is remissible by the Crown alone, if remissible at all." But there are also some lacunas in the definition of always true because there are number of compoundable offences that are remissible by some gratification from the accused.

f) Crime as a legal wrong -

When a penal statute prescribes punishment for an act or illegal omission it becomes crime. But as regard the definition of the term "Crime", there is no satisfactory definition acceptable to all and applicable to all situations. Even the Indian Penal Code is salient on this issue, though it has codified the bulk of criminal law of the country. S. 40 of the IPC simply states that the word "offence" denotes a thing punishable by this Code or under any special or local law. This provision is nothing but a statement of the fact and cannot be regarded as a definition of crime.

According to some of the jurists, the chief characteristics found in every crime are -

- (1) the offender or accused is a human being
- (2) there should be an external act committed by the offender
- (3) it should be done with some criminal intent i.e. a guilty mind (*mens rea*) of the offender accompanies his act
- (4) it should be prohibited conduct under the existing law i.e. the act is prohibited by law.
- (5) there must be some kind of punishment for the act done.

3) CHARACTERISTICS OF CRIME -

There are certain characteristics of crime which make an unlawful act or omission punishable under the law of the land. The main characteristics of a crime are as follows-

- (1) External consequences - Crimes always have a harmful impact on society may it be social, personal, emotional or mental.
- (2) Act (Actus) - There should be an act or omission to constitute a crime. Intention or *mens rea* alone shall not constitute a crime unless it is followed by some external act.

- (3) *Mens Rea* or guilty mind - *Mens Rea* is one of the essential ingredients of a crime. It may however, be direct or implied.
- (4) Prohibited act - The act should be prohibited or forbidden under the existing law.
- (5) Punishment - The act, in order to constitute crime should not only be prohibited by law but should be punishable by the State.

4) CLASSIFICATION OF CRIME -

The existence of crime in a society is a challenge to its members due to the adverse effect on the ordered social growth. Therefore with the advance in the field of criminology and behavioral science, efforts are being constantly made to work out commonly acceptable classification of crimes and criminals for providing a rational basis of punishment for various categories of offenders.

There are variety of crimes such as violent personal crimes, occasional property crimes, occupational crimes, political crimes, public-order crimes, conventional crimes, organised crime, professional crimes, white collar crimes, sexual crimes, crimes against property, person, decency, public-order, etc. Some of the criminologists are of the view that these crimes may be categorised into three heads, namely -

- (1) Offences falling under Criminal Procedure Code,
- (2) Offences under Indian Penal Code, and
- (3) Offences under Local or Special Laws or Enactments.

Some criminologists prefer to classify crimes into legal, political, economic, social and miscellaneous crimes.

- (1) Legal crimes can be termed as traditional crimes such as theft, robbery, dacoity, rape, hurt, and rioting, etc.
- (2) Political offences are those which are motivated politically or committed in violation of election laws or norms set out for the politicians in the course of their political activities.
- (3) Economic crimes include white-collar offences such as tax evasion, smuggling, prostitution, gambling, etc.
- (4) Social crimes are those which are committed under social legislation such as Child Marriage Restraint Act, 1929, Civil Rights Act, 1976, Immoral Traffic (Prevention) Act, 1986, Indecent Representation of Women (Prohibition) Act, 1986, Commission of Sati (Prevention) Act, 1987, the Dowry Prohibition Act, 1963.
- (5) All other remaining crimes which are committed under local or special acts are termed as miscellaneous crimes, for e.g., offences under the Prevention of Food Adulteration Act, 1954, the Drugs and Cosmetics Act, 1948, the Consumers Protection Act, 1986, Prevention of Narcotic and Psychotropic Substance Act, 1974.

Classification of Offences under Indian Penal Code -

- (1) Offences against person.
- (2) Offences against property.
- (3) Offences relating to documents.
- (4) Offences effecting mental order.
- (5) Offences against public tranquillity.
- (6) Offences against State.
- (7) Offences relating to public servants.

Different Criminologists gave different classifications of the crimes. According to **Hayes** there are three chief categories of crime as -

- (1) Crime concerning property like theft, robbery, dacoity, pick pocketing and misuse of public fund.
- (2) Crime against person - these crimes involve physical hurt or bodily pain like assault, murder, rape, etc.
- (3) Crime against social order - It includes violation of traffic laws, non-payment of government dues, public nuisance, malicious propaganda and communal riots, etc.

Bonger - Classified crimes into four categories as -

- (1) Political crime,
- (2) Economical crime,
- (3) Sexual crimes,
- (4) Miscellaneous crimes.

5) WHO IS CRIMINAL?

A criminal is a person who is in the habit of committing crime. Repetition of crime is the special feature of the criminal. Besides repetitiveness, deliberation is another characteristics of the criminal. A criminal therefore chooses to commit a crime and will do so whenever there is suitable opportunity. Accordingly, a criminal takes to crime not out of any compulsion but out of free choice and adopts it as his valid profession.

Who commits crime is a criminal. But in the eyes of law a person who admits of having committed a crime is not regarded as criminal unless his crime has been proved. As observed by *M.J. Sethna* "in the eyes of law any person who is seven years of age or of such age as by law of the land concerned is deemed to be an age of sufficiently matured understanding can be held liable, if he commits a crime, in that case he may be termed as criminal except in cases of insanity." A certain class of acts is defined as a criminal. Any person who commits an act of this class is called criminal. According to *Dr. Ellis*, a criminal is a feeble and distorted person, *Dr. M.J. Sethna* has observed "the criminal is a mentally defective or emotionally disturbed person, a maladjusted being, most often a victim of unfavourable circumstances of lack of cultural and moral education. In some cases, he acts like an untamed animal and is out to assault even with a dangerous weapon, on the slightest provocation."

6) CLASSIFICATION OF CRIMINALS

There are numerous types of criminal. Various scholars have made the classification of criminals from their respective standpoints and theoretical orientation. According to **Lombroso** following are the classification of criminals based on traits and features of the criminals -

(a) Born criminal -

Such persons belong to families which have adopted crime as a profession. They inherit the criminal mentality and commit crime without any objective provocation.

(b) Causal criminal -

Some persons do not commit crime often but under certain circumstances they feel the impulse to crime which is not always successfully resisted. The casual criminals may be further sub-divided in three categories -

- (i) **Habitual criminal** - These persons do not inherit bad influences but in course of their life develop some dirty habits which force them into criminality.
 - (ii) **Criminoloid** - means like a criminal or having resemblance with the criminal. They are not original criminal but non-criminal who has adopted criminal activity. Such persons usually commit crimes due to pressure of circumstances and nature of their crimes is not very grave.
 - (iii) **Pseudo criminal** - These persons are not true criminals. They have neither any inborn tendency towards crime nor they are under the influence of any bad crime inducing habits. But on account of acute pressure of circumstances which leaves them with no choice. For e.g. many army men during long wars may feel compelled to rape or commit some other sex offence.
 - (c) **Sex criminals** - Those who commit outrageous sex act or outrage the modesty of others under the overpowering sex impulse.
 - (d) **Epileptic criminals** - These criminals are mental patients. They commit crimes due to mental imbalance and loss of self-control on their own impulses.
- Sutherland's classification of criminals** - *Sutherland* classified criminal on the basis of economic status of the individual -
- (a) Economically indigent criminals - These persons are from low class of the society. These persons usually commit crime under compulsion of extreme economic pressure. Being poor they are unable to defend themselves effectively in Court of law.
 - (b) White-collar criminals - The persons belonging to upper class of the society commit crime during their profession who cannot be easily detected. Black marketing, tax evasion, hoarding and profiteering and offences committed by businessmen and politicians. They are more dangerous than traditional criminals.

7) CONCLUSION -

Crime is one of the most important problem of human society but there is no unanimity about its definition from legal point of view crime refers to an act which is prohibited by the existing law. From social point of view crime refers to an act which is against social interest. Crime is not homogenous. Hence, efforts have been made to classify crimes. In past, criminologist gave emphasis on biological, mental and psychological fact of crime but modern criminologist give emphasis on social condition of criminals.

*Qtn. Define criminology and discuss its scope? OR
Define criminology and discuss its nature & scope?*

SYNOPSIS

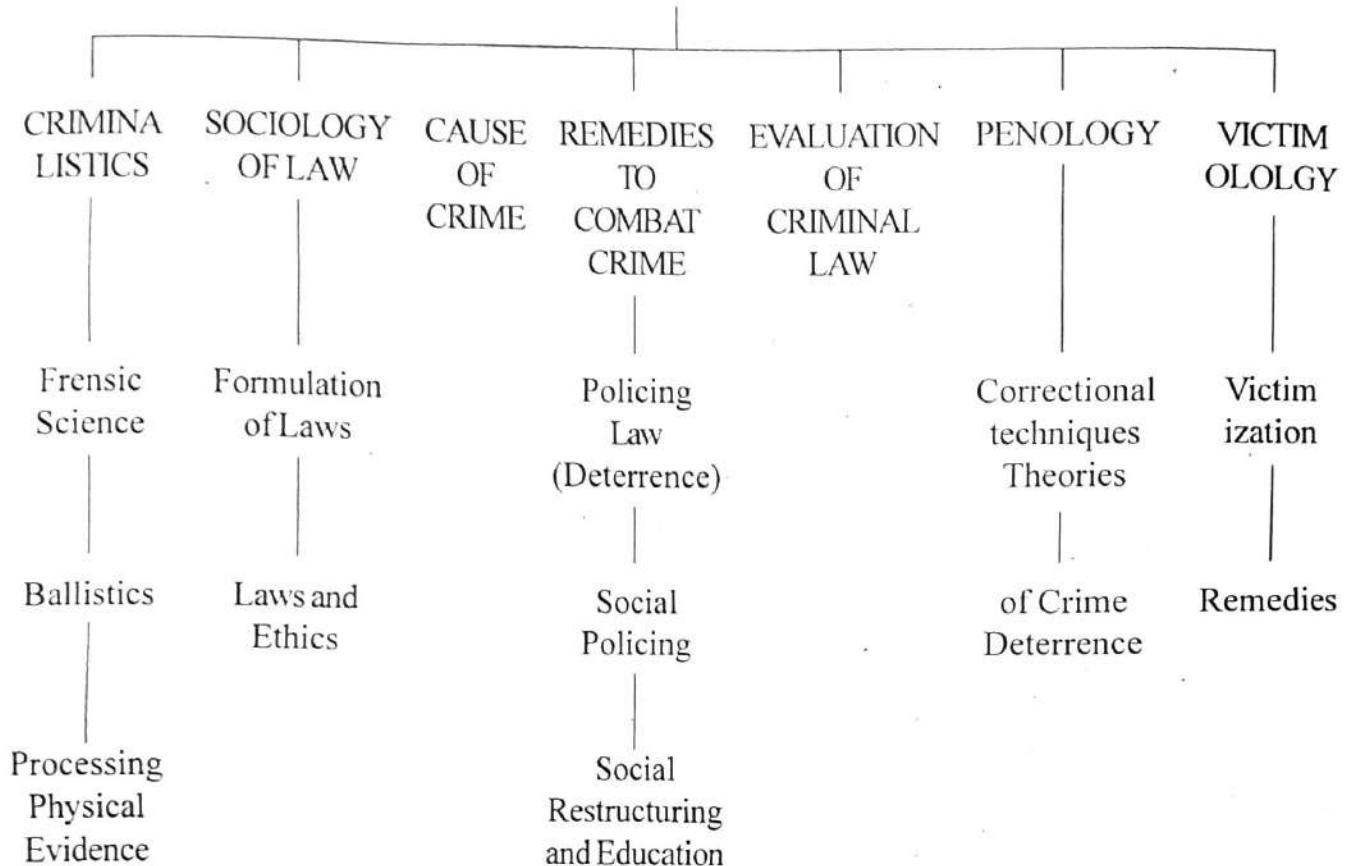
1. *Introduction*
2. *Definition of criminology*
3. *Nature of criminology*
 - a) *Hubert Johnson*
 - b) *Prof. Sutherland*
 - c) *Elliott and Merrill*
 - d) *Prof. W.A. Bonger*
 - e) *Dr. Kenny*
 - f) *Theoretical or pure criminology*
 - g) *Applied criminology*
 - h) *Criminalistic branch*
4. *Scope of Criminology*
5. *Conclusion*

1. INTRODUCTION

Criminology is a scientific study of crime, criminality and justice. It is a study of law making, law breaking and responses to law breaking. It is a scientific, methodical and academic research of crime, criminality and criminal justice enforcement. It studies the nature, extent, cause, consequence, control and prevention of criminal behaviour. Criminology seeks to study the phenomenon of criminality in its entirety.

The word criminology is composite of two words, criminal and logy. Literally, it means a systematic study of criminals i.e., persons who break or offend the social law. However, since the offences committed by criminals are crime and as crimes occurs in the society, the term criminology means study of crime as well as criminals in relation to society. It also tries to determine the causes of the crimes and thereby recommends preventive measures. The science of criminology is a scientific and systematic study of social phenomenon. Various scientific techniques and methods are employed for the study of this phenomenon.

THE SPHERE OF CRIMINOLOGY



2. DEFINITION OF CRIMINOLOGY

There is no universally acceptable definition of criminology. Criminologists differ in their own views. It is obvious that no one can overlook the sociological aspect of crime. From this point of view, criminology is that branch of "sociology" which deals with scientific study of crime as a social phenomena. It includes within its scope the process of making laws, of violating laws and the reaction towards the breaking of laws.

In order to appreciate fully the nature of criminology it is essential to examine closely some of the definitions given by learned sociologists and eminent criminologists. Some of the important definitions are as under -

- i) **Edwin Sutherland** - "Criminology is the body of knowledge regarding crime as a social phenomenon."
- ii) **Elliot** - "Criminology may be defined as the scientific study of crime and its treatment." This definition stresses the practical or utilitarian nature of this body of knowledge, namely devising ways and means to prevent or reduce the incidence of crime and rehabilitate criminals as normal members of the society.
- iii) **Donald R. Taft** - "Criminology is the study which includes all the subject matter necessary to the understanding and prevention of crimes together with the punishment and treatment of delinquents and criminals." This definition is considered to be comprehensive and describes theoretical as well as practical aspect of the study. It brings out clearly that criminology is concerned not with the offences committed by adults only but also deals with juvenile offences.

iv) **Webster** - Science of criminology may be described to be "scientific study of crime as a social phenomenon, or of criminals and their traits, habits and discipline. This definition has the merit of providing equally the psychological as well as sociological aspect of the crime and criminal."

v) **Sellin** - Crime which is the subject matter of criminology, is neither stable nor homogenous concept. He rightly remarks that crimes are that other social criminology which have no stable unit. According to him a study of law making, law breaking and reactions to law breaking from the point of view of efficiency of the law as a method of control is the useful objective of criminology.

Sutherland and Sellin have defined the criminology in its narrow sense as they have ignored the modern clinical methods and the institutions like those of probation, parole, indeterminate sentence, open prison camps and other correctional measures which are the outcome of criminological researches conducted during the century.

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

vi) **Dr. M.J. Sethna** - "Criminology may be defined as scientific phenomenon or criminal and mental traits, their habits, their discipline etc.

vii) **Hubert Johnson** - "Criminology is the scientific and practical application of findings in the areas of: (a) crime causation, criminal behaviour and etiology, (b) the nature of the social reaction as symptom of the characteristics of the society and (c) the prevention of crime." Criminology analyses the human behaviour using sociological, political, biological, philosophical, psychological, psychoanalytical, genetic and many other catalysts seemly or synthetically.

Modern criminologists seem to be seriously concerned with the problem of crime to protect the society from such anti-social activities of criminals. It is for this reason that the two sister branches of criminal science, namely, criminology and penology, should work hand in hand to appreciate the problem of criminality in its proper perspective.

Thus, in criminology we study crime, causation of crime and prevention and treatment of crime. Sutherland has classified criminology into three categories. He observes; "Criminology consists of three principle divisions as follows:

- (a) the sociology of law which is an attempt at scientific analysis of the conditions under which criminal laws developed and which is seldom included in general books of criminology.
- (b) criminology, which is an attempt at scientific analysis of the causes of crime; and
- (c) penology which is concerned with the control of crime."

3. NATURE & SCOPE OF CRIMINOLOGY -

From the above discussed definitions of criminology it is crystal clear that the nature of the criminology is science. Fundamentally speaking, the task of criminology is scientific, systematic, statistical, structural and functional in depth study of crime. Besides having a theoretical understanding of crime, criminal and his behaviour, the object of criminology is also to devise effective tools to

minimize the incidence of crime, reform and rehabilitate the criminal. Lastly, criminology also tries to suggest reform in penal code.

Criminology, in general deals with the criminal behaviour, its causes and treatment. It is difficult to discover a single law which explains all the behavioural patterns. Criminology as a behavioural science or study faces an almost unsolvable difficulty because of the extreme diversity of types of behaviour. It is very difficult to confine the scope of any science permanently. Like other social sciences, the scope of criminology is also quite vast and extensive. It is related to each and every social class and structure. Some of the criminologists have tried to limit its scope in order to be able to study the subject scientifically, systematically and exhaustively. However, we may simply refer the various spheres included in the study of criminology.

a) Hubert Johnson -

According to Elmer Hubert Johnson, we may classify the scope of criminology into the following categories:-

- i) Crime causation, criminal behaviour and etiology (investigation).
- ii) The nature of the societal reaction as a symptom of the characteristics of the society.
- iii) The prevention of crime.

According to Sutherland, the science of criminology includes within its scope, the process of making laws, of breaking laws and of reacting towards the breaking of laws.

b) Prof. Sutherland

According to Sutherland, criminology has three distinct aspects-

- i) The Sociology of Law,
- ii) Criminal Etiology, and
- iii) Penology

Though these aspects are distinct, they are inter-linked.

i) **The Sociology of law** - In this aspect or department, we study the nature of crime from legalistic point of view, and also investigate into the effects of present laws upon them and study the possible reforms in the laws in order to prevent and control the occurrence of the crime. The major concern of sociology of law is to critically examine the impact of various legal systems upon crime. This study can go a long way to evolve suitable changes in the laws to curb crime.

ii) **Criminal Etiology** - In this department a systematic investigation into the various causes of crime is made. Here we study the social and personal factors responsible for the occurrence of crime and growth of criminals.

iii) **Penology** - Besides knowledge and determination of the causes and factors which generate or encourage crime, it is equally, if not more essential to know the ways and means of controlling and preventing the crime. This aspect is studied systematically and in a scientific manner to achieve control over crime. The facts and the theories in this regard form the scope of Penology, which is an important department of criminology.

c) **Elliott and Merrill** - According to Elliott and Merrill, the scope of Criminology, includes the following:-

- i) The Nature of crime,
- ii) Investigation into causes of crime,
- iii) Individualized Study of Criminals,

iv) Study of prevention of Crime & Reform of Criminal.

- i) **The Nature of crime** - What are the features of crime? What type of action is crime? In what respect does a criminal act differ from a social or moral act? Is it just the action which may be considered criminal or can the motive make difference to our description of a crime? For example, the theft committed for personal gain and the theft committed for impersonal reasons or social gain are both cases of theft. Can we make any distinction between the two? The answers to these questions tell us the nature of crime.
- ii) **Investigations into the causes of Crime** - Under this aspect of Criminology we study the reasons of criminal behaviour. The different types of crime have different causes. Are these differences apparent or real? Can we come by a general theory of crime which will be adequate to explain all types of crime? Are there relations, inverse or direct, between various crimes. These questions are investigated under this head. Besides, we also study the question of responsibility of crimes. If criminals are made and not born, who is responsible for encouraging criminality? Is it present education or social system that is responsible in conjugation or one of these alone? All these questions form the subject matter of this aspect of criminology.
- iii) **Individualized Study of Criminals** - How and when does one turn into a criminal? What particular event or series of events happen which turn man towards criminality? In order to know all these facts we have to study in detail the personal; lives of the criminals. Also we have to study the life of a person in totality for understanding the nature of crime and criminal. For this purpose we make use of what has come to be known as the technique of case-history method.
- iv) **Study of Prevention of Crime & Reform of the criminal** - Most obviously crimes are unfavorable to the interests of the society. They not only disturb the social equilibrium but make life hell for the criminal as well as his relatives. Even more, due to crime the normal law abiding citizen lives in fear. Therefore it is most essential to devise ways and means to prevent crime and reform the criminals. Should the system of punishment be deterrent, preventive, reformatory or expiatory? What type of punishment is adequate for each type of crime? Such questions are studied under this head.

d) **Prof. W.A. Bonger**

Prof. W.A. Bonger prefers to study theoretical criminology in the following subjects -

- i) Criminal Anthropology,
- ii) Criminal Sociology,
- iii) Criminal Psychology,
- iv) Criminal Psycho-neuro Pathology,
- v) Penology

e) **Dr. Kenny** -

is of the view that criminology is the branch of criminal science which deals with time-causation, analysis and prevention of crime.

The science of criminology is split into two, namely -

- a) Theoretical or pure criminology; and
- b) Applied or practical criminology.

f) Theoretical or pure criminology -

- i) **Criminal Anthropology** - It seeks to understand the personality of the offender in physical terms. Cesare Lombroso was the first criminologist who emphasized that criminals were different physically from normal persons and possesses inferior physical characteristics.
- ii) **Criminal Sociology** - It is based on Sutherland's theory of "differential association" which explains the criminal behaviour as a process of learning through association with other criminals. This theory, however, does not adequately take into account the personality traits or psychological variables in criminal behaviour.
- iii) **Criminal Psychology** - It seeks to co-relate criminality to the emotional aspect of human nature.
- iv) **Criminal Psycho-neuro Pathology** - This branch of criminology attributes criminality to functional deviation and mental conflict in the personality of the offender. The factors such as inferiority complex, frustration, depression, anxiety, etc may lead to a person to commit crime.
- v) **Penology** - It concern itself with various aspects of punishments and penal policies. The various mechanism of punishing the offender are also studied under penology

g) Applied Criminology -

includes the study of criminal hygiene and criminal policy which is founded on solid derivative conclusion.

h) Criminalistic branch -

Besides these two sub-heads, yet there is another branch of criminology called criminalistic. This branch connotes the police-techniques of crime investigation and detection. It provides very useful material for the study and understanding of criminal administration of justice.

4. SCOPE OF CRIMINOLOGY -

Criminology is a very broad subject which knows few boundaries and becomes involved in all the sciences which deals with man and his social organisation. Criminology is concerned with the study of delinquent and criminal behaviour, besides crime controls and prevention of crime, criminal treatment and their rehabilitation. The following major aspects as thought by various eminent criminologists relate to certain scope of criminology which is as follows -

- a) Criminology deals with reporting of law violation, criminal identification, arrest of criminals.
- b) It deals with the comparative study of criminal law in various countries relating to the social, economical and political system of that country.
- c) The characteristics of Juvenile and adult offenders.
- d) The theories of crime and theories of punishment which attempt to explain crime and delinquency in general.
- e) The study of recidivism and habitual criminals.
- f) The study and control of problems of deviancy which have close connection with crime such as abnormal offenders, suicides, narcotic drug addiction, addictive gambling etc.

- g) The study of effectiveness and measures for treatment and rehabilitation of offenders by penal, correctional institutions, probation, after care service.
- h) The evaluation of programmes for prevention of delinquency and crime.

5. CONCLUSION

There is no universally acceptable definition of criminology. Criminologists differ in their own views. Criminology is that branch of "sociology" which deals with scientific study of crime as a social phenomena. It includes within its scope the process of making laws, of violating laws and the reaction towards the breaking of laws. Criminology is scientific, systematic, statistical, structural and functional in depth study of crime. Besides having a theoretical understanding of crime, criminal and his behaviour, the object of criminology is also to devise effective tools to minimize the incidence of crime, reform and rehabilitate the criminal. Lastly, criminology also tries to suggest reform in penal code.

Criminology, in general deals with the criminal behaviour, its causes and treatment.

Que. Explain the inter relation between Criminology, Penology and Criminal Law? Explain the nature of extent of crime in India?

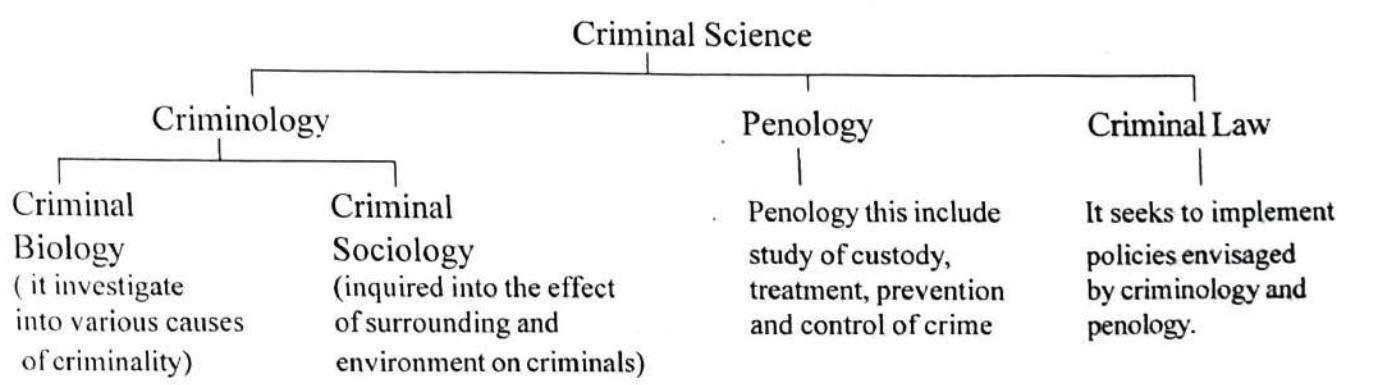
SYNOPSIS

- 1) *Introduction*
- 2) *Inter relation between Criminology, Penology and Criminal Science*
- 3) *Nature and extent of crime in India*
- 4) *Conclusion*

1) INTRODUCTION-

Criminology is one of the branches of criminal science which is concerned with social study of crimes and criminal behaviour. It aims at discovering the causes of criminality, the effective measures to deal with crimes. It also deals with the custody, treatment, prevention, control of crime which for the purpose of this study is called as penology. The criminal policies provided by these two branches i.e. criminology and penology is implemented through the agency of criminal law.

2) INTER RELATION BETWEEN CRIMINOLOGY, PENOLOGY AND CRIMINAL SCIENCE –



Criminology Penology and Criminal Law are inter related with each other and one can not function without the other. It is rightly observed by Prof. Sellin that the object of Criminology is to study the areas of law making, law breaking and reaction to law breaking from the point of view of effect of law as method of control. In his view the development of criminology has been much later than that of Penology because in earlier periods the emphasis was on treatment of criminals rather than scientific investigation into the causation of crime.

3) NATURE AND EXTENT OF CRIME IN INDIA-

Crime in India as in most other parts of the world is gradually increasing in proportion to the population. There was an over all increase in cognizable crimes and non-cognizable crimes with the increase in population. Information about crime is collected through police station by the Police District Office of the Superintendent. The crime statistics are then compiled at State level on the basis of crime report given by each District and made available to the public as a part of annual police administration report. These reports contain detailed tables of all crimes under Indian Penal Code, Special Laws and Local Laws. A summary for all India is published each year by the Ministry of Home Affairs under the title, "Crime in India".

The Criminal Statistics is collected with different objective depending upon the intended use contemplated by individual or the agency doing the work. This crime statistics helps to explain the nature and extent of crime in India.

This crime statistics fall into four categories.

- a) The crime statistics are gathered and complied by Government Departments. They indicate the kind, extent of various kinds of crime at a given time in particular Geographical Area, the characteristics of person committing the crime.
- b) The statistics are often collected by Researchers.
- c) Statistics based upon the work of police i.e. the offences coming to their knowledge and the extent of their clearance by them.
- d) The statistics based on Judicial disposal of cases brought before the court.

Irrespective of differences in social, cultural, political systems there has been increase in crime among all societies in the world. Increase in population result in greater number of youngsters who indulge in various kinds of crimes. The fast pace of urbanization and industrialization are important factors to cause a wide gap between peoples material expectation and reality. Efficient means of communication lead to much more psychic mobility which along with widening gap between rich and poor class lead to frustration, socially and legally disapproved behaviour.

Some of the recent trend of crimes are as follows.

- i) There has been Internationalization of certain crimes like drug trafficking.
- ii) Rural areas or also witnessing the phenomenon of crime. These rural areas provide good base and recruitment grounds for terrorist.
- iii) Criminality is no longer confined to lower and poor class. It also includes white collar criminals i.e. professional, businessmen, politicians etc.,

The total cognizable crimes in the country has been steadily rising over the past fourty years. The position of white collar crime under Indian Penal Code has been rather steady around 3 % over the last few decades. Theft and rioting though showing some decline recently but with 19.7% and

5.8% respectively still top the recorded IPC crimes. While prohibition and gambling take the lead under the local and special laws with 15.8% and 4.3% respectively.

4) CONCLUSION -

The practical role of criminology in shaping and influencing social and penal policies is a subject of debate. Unhappily, both public sources, state reports and crime in India are flawed. The centre's published reports regarding crime rates do not agree with those of the state. The problem in respect of crime statistics is technical problem with regard to collection, transmission, computation of data. There is inadequacy in criminal data collected by police, reporting agencies. Basically what is collected is not properly presented. Whatever the country may be the basic problem is that crime is not self authenticating.

SCHOOLS OF CRIMINOLOGY

SYNOPSIS :-

- 1) *Introduction*
- 2) *Origin of schools of criminology*
- 3) *Major Schools of criminology*
 - a. *Classical school*
 - i. *Cesare Beccaria*
 - ii. *Jeremy Bentham*
 - iii. *Feuerbach*
 - b. *Neo-Classical School*
 - c. *Cartographic School*
 - d. *Socialist School*
 - i. *Karl Marx*
 - ii. *William Bonger*
 - e. *Typological School*
 - f. *Positive School*
 - i. *Cesare Lombroso*
 - ii. *Enrico Ferri*
 - iii. *Raffaele Garofalo*
 - g. *Psychiatric*
 - h. *Sociological School*
 - i. *Gabriel Tarde*
 - ii. *Edwin H. Sutherland*
 - i) *Contribution of the theory*
- 4) *Conclusion*

1) INTRODUCTION -

In the history of primitive societies little attention was given to the motive, environment and psychology of the offender in the causes of crime. There was no principle for the guidance of those who were concerned with criminal administration of justice. It was found that punishments were often arbitrary and irrational. In the beginning of 18th century, 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.

2) ORIGIN OF SCHOOLS OF CRIMINOLOGY -

A systematic study of criminology was first taken up by the Italian scholar, Cesare Beccaria who is known as the, 'Founder of Modern Criminology'. He made a greatest contribution to the science of criminology because for the first time he proceeded with the study of criminals on scientific basis and reached to certain conclusion from which definite methods of handling crime and criminals could be worked out. This was the origin of theories of criminology or schools of criminology. According to Sutherland school of criminology denotes a system of thought which consist of an integrated theory of causation of crime and of policies of control implied in the theory of causation. Each school of criminology explain crime in its own manner and suggests punishments and preventive measures to suit its ideology. It could be seen that each of the schools represents the social attitude of the people towards crime and criminal in a given time. Some of the major schools of criminology are as under -

- (a) Pre-classical
- (b) Classical
- (c) Neo-classical
- (d) Positive
- (e) Cartographic
- (f) Socialist
- (g) Typological
- (h) Psychiatric
- (i) Sociological and social psychological
- (j) Clinical
- (k) Modern School

3) MEANING OF SCHOOL OF CRIMINOLOGY -

According to sutherland schools of criminology means the system of thought which consist of an integrated theory of causation of crime and policies of control implied in the theory of causation. The advocates of each school try to explain the causation of crime and criminal behaviour in their own way relying on the theory propounded by the exponent of that particular school. Therefore, each school of criminology explain crime in its own manner and suggest punishment and preventive measures to suit its ideology.

2) MAJOR SCHOOLS OF CRIMINOLOGY –

(a) Pre-classical -

The period of 17th&18th century in Europe was dominated by the scholasticism of Saint Thomas Aquinas. The dominance of religion in the state activities was the chief characteristic of that time. As scientific knowledge was yet unknown the concept of crime was rather vague & obscure. There was a general belief that man by nature is simple & his actions are controlled by some super power. It was believed that man commits crime due to the influence of some external spirit called demon or devil. Thus, an offender commits a wrongful act not because of his free will but due to the influence of some external super power. No attempt was made to probe into the real causes of crime. This theory of criminality propounded by the exponents of pre-classical school acknowledged the omnipotence of spirit which they regarded as great power.

(b) CLASSICAL SCHOOL -

The classical school defined crime in legal terms. This school believed in Free Will Theory. This means that a person was free to choose between right and wrong conduct. The classical school believed in deterrent theory of punishment. This school focused its attention on crime. They supported the right of the state to punish the offender in the interest of public security. Cesare Beccaria, Jeremy Bentham and Feuerbach are main supporter of classical school.

(i) CESARE BECCARIA -

During the middle of 18th century 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 phenomena of the individual and located the cause of crime in the “free will”. He was much influenced by the Utilitarian philosophy of his time and placed reliance on the “pleasure and pain theory”. The main principles of classical schools are as under -

- (1) Crime is an act of individual and not his intent, which forms the basis for determining criminality in him. In other words, criminologists are concerned with the “act” of the criminal rather than his “intent”.
- (2) The supporter of this school accepted punishment as a principle method of infliction of pain, humiliation and disgrace to create “fear” in man to control his behaviour.
- (3) The supporter of this school considered prevention of crime more important than the punishment for it. Therefore, they stressed on the need for a Criminal Code in France, Germany and Italy to systematize punishment for forbidden acts. Thus, this school felt need for a well-defined criminal justice system.
- (4) The supporter of this school supported the right of the State to punish the offender in the interest of public security on the basis of pleasure and pain theory. According to them punishment 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 “stressed on equal punishment for equal offence”. The supporters of this school believed that criminal law primarily based on positive sanctions. In their opinion, Judges should give verdicts strictly according to the provision of law.

This school thus suggests certain norms for administration of criminal justice. The pioneer of this school Mr. Beccaria was greatly influenced by the writing of Montesquie, Hume, Bacon and Rousseau. Mr. Cesare Beccaria raised his voice against severe punishment, torture and death penalty.

(ii) JEREMY BENTHAM -

Bentham was an Englishman. His main concern was social-welfare in formulation of penal laws. According to him laws are to be passed with a view to maintenance of social order and welfare of the society. The aim and object of the law is social-welfare which provides maximum happiness to maximum number of people. In a welfare society, a person who violated pre-established law is a criminal. According to him criminal act must be a voluntary act of the criminal. For Bentham punishment is an essential feature without which there can be no effective check to anti-social tendencies of man. The punishment shall be in proportionate to the crime i.e. the graver the crime the severer should be the punishment and like punishment should be meted out for like crimes. However, before imposing penalty all relevant factors, social and political should be taken into account. According to Bentham, children, old man and unsound mind person should not be punished. The penal laws should not be rigid but flexible to meet social change.

(iii) FEUERBACH -

He was a German thinker. According to him for the effective control of crime there should be a well-defined Criminal Code as well as definite penal code. He also propounded the similar idea like Bentham of pleasure and pain theory but punishment shall be severe so that fear of pain will act as an effective deterrent.

Criticism against Classical School -

- (1) The major shortcoming of the classical school is that it proceeded on an abstract presumption of "free will" and solely relied on the act i.e. the crime without giving any attention to the state of mind of the criminal.
- (2) This school prescribes equal punishment for same offence. Thereby making no distinction between first offender and habitual offender. This school is paying no heed to the antecedents, characters and circumstances of the criminal which led to offence.
- (3) This theory assumes that all human actions are pleasure seeking, but this is not always so. Human life is not a pursuit of pleasure alone. The motive behind all crime cannot be pleasure; as a matter of fact many crimes are committed without a pleasure. For e.g., a man who commits suicide does not do so out of pleasure. Moreover, the concept of pleasure is subject to and therefore cannot be objectively evaluated. The legislation has to be based on facts and not on subjective feelings.
- (4) This theory is not based upon empirical research

Contribution - The greatest contribution of this school lies in the fact that it suggested a substantial criminal policy which was easy to administer without resort to imposition of arbitrary punishment. This school rejected religious fallacies and myths and gave emphasis on the personality of the offender in order to determine his guilt and punishment.

(c) NEO-CLASSICAL SCHOOL-

The “free will” theory of classical school did not survive for long. It was soon realised that classical school ignores the individual differences. It gave equal treatment to the first offender and the habitual offender. Therefore, neo-classical thinkers asserts that certain categories of offender such as minors, idiots, insane or incompetent had to be treated leniently irrespective of similarity of their criminal act. These offenders are unable to distinguish between right and wrong. The main philosophy underlying this school is as under -

- (1) The neo-classical school gives proper importance to certain mitigating situations and mental disorders which deprive the criminal from his normal conduct. Therefore this school does not stress on equal punishment for the same offence.
- (2) The neo-classical school distinguishes between the first offender and the recidivists i.e. hardened criminal. According to this school punishment should suit the psychopathic circumstances of the offender. Hence, this school focussed atleast some attention on mental causation indirectly.
- 3) According to the supporter of this school a man having normal intelligence or capacity of rational judgement is responsible for his own conduct. But those lacking normal intelligence and having mental depravity are not responsible for their conduct. They do not possess the capacity of distinguishing between good and bad conduct.
- (4) This school made distinction between sanity and insanity of the offender which gave way towards correctional institutions such as parole, probation, reformatories and open-air camps.
- (5) The neo-classical school adopted a subjective approach to criminology.
- (6) It gives much importance to the conditions under which individuals commit criminal acts.

Criticism - The supporter of this theory believed that criminal whether responsible or irresponsible is a menace (danger) to the society and, therefore, needs to be eliminated from it. The protection of society from crimes must be our primary concern.

Contribution - Neo-classical school has rejected notion of “free will” and held that besides the criminal act as such, the personality of the criminal as a whole, namely, his antecedents, motive, previous life history, general character, etc. should be considered while awarding the punishment.

(d) POSITIVE SCHOOL -

With the advance of behavioural science, the monogenetic explanation of human conduct lost its validity & a new trend to adopt an elective view about the genesis of crime gradually developed. By 19th 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. This led to the emergence of positive school of criminology. The main exponents of this school were three eminent italian criminologists - Cesare Lombroso, Raffaele Garofalo & Enrico Ferri.

i) Cesare Lombroso -

He is said to be the pioneer of positive school or the Italian school of criminology. He was an Italian psychiatrist in the Army. After an intensive study of physical characteristics

of the patients and of criminals he came to the definite conclusion that criminals were physical inferior in the standard of growth and, therefore, developed a tendency for inferior act. He further suggested that criminals are less sensitive to pain and therefore they have little regards for the suffering of others.

Lombroso studied 383 skulls of criminals and 5907 criminals and then classified the criminals into three main categories -

- (1) Atavists or Hereditary criminals
- (2) Insane criminals
- (3) Criminoids

This classification is also summarised as -

- (1) born criminal;
- (2) insane criminals;
- (3) habitual criminals;
- (4) occasional criminals.

According to Lombroso criminality is inborn, and a criminal could be recognized by certain stigma and anomalies. The atavistic and degenerative stigma enumerated by Lombroso included -

- (1) Asymmetrical (irregular) cranium,
- (2) Long lower jaw,
- (3) A defective or flattened nose often without a bony skeleton,
- (4) Scanty bearded,
- (5) Low sensitivity to pain,
- (6) A receding (short) forehead,
- (7) Projecting/voluminous ears,
- (8) Cold fixed and glassy eyes,
- (9) A thin upper lip,
- (10) Epilepsy,
- (11) Skin that is pale and wrinkled,
- (12) teeth with the molars undeveloped, wisdom teeth absent, and the canine teeth overdeveloped,
- (13) Excessive length of arms,
- (14) Supernumerary (surplus) fingers/toes.

The "criminal type" claimed Lombroso, could be recognised by the possession of at least five of these stigmata; was incompletely represented by 3 to 5 stigmata and not necessarily indicated by less than 3 stigmata.

The physical anomalies and stigmata do not in themselves cause crime, rather they identify the personality which is predisposed to criminal behaviour.

According to Lombroso the term "criminal" is not confined only to a legally confined criminal but includes any person who is potentially a criminal and who possesses the characteristics of the criminal type. This he is concerned not only with criminals in law but also with anthropological criminals.

Because of their personal natures, such persons, with the anomalies and stigmata, cannot refrain from crime unless the circumstances of life are unusually favourable.

Lombroso's modified views - Lombroso after further research and in the wake of heavy criticism, himself admitted that in perhaps two criminals out of three, environmental factors may be important. Therefore, to a limited extent Lombroso did accept the effect of environment, society, education, parental factors, etc. as the causes of criminality.

The **Atavists** are born criminals who could not refrain from indulging in criminality and environment. He considered these criminals as incorrigible, i.e. beyond reformation.

Insane criminal who resorted to criminality on account of certain mental depravity or disorder whereas **Criminoids** who were physical criminal type and had a tendency to commit crime to overcome their inferiority in order to meet the needs of survival.

Lombroso was the first criminologists who made an attempt to understand the personality of offenders in physical terms. He employed scientific methods in explaining criminal behaviour. While analysing causes of crime, Lombroso had laid greater emphasis on the biological nature of human behaviour and thus indirectly drew attention of criminologists to the impact of environment on crime causation.

ii) **Enrico Ferri** -

He criticised the view of criminality of Lombroso and proved that biological reasons were not enough to account for criminality. There are other factors such as emotional reactions, social informative or geographical conditions also play a vital role in determining criminal tendencies in men. According to him crime is a synthetic product of three main factors -

- (1) Physical or geographical,
- (2) Anthropological, and
- (3) Psychological

According to him criminal behaviour is the outcome of variety of factors having their combined effect on the individual. Ferri gave classification of the criminals as under -

- (1) born criminals;
- (2) occasional criminals;
- (3) passionate criminals;
- (4) insane criminals; and
- (5) habitual criminals.

He suggested an intensive programme of crime prevention and recommended a series of measures for treatment of offenders.

iii) **Raffaele Garofalo** -

He traced the need for a closest study of the circumstances and living conditions of criminals. He firmly believed that criminal is a creature of his own environment. He defined crime as an act which offends the sentiments injurious to the society. He placed offender into four main categories -

- (1) murderers whom he called "endemic" criminals;
- (2) violent criminals who are affected by environmental influences such as prejudices of honour, politics and religion;
- (3) criminals lacking in sentiment of probity; and
- (4) lascivious or lustful criminals who commit crimes against sex and chastity.

As a member of the Italian 'judiciary' Garofalo was well acquainted with the then existing criminal law and procedure in the administration of criminal justice and recommended death, imprisonment for life or transportation and reparation as three modes of punishment for criminals.

He gave importance to personality of the criminal. He propounded that criminals are of different traits and that they can be gradually transformed into normal individuals. Ferri tried to modify Lombroso's theory and contended that though the criminal is not born criminal, yet there are several deformities and anomalies right from the birth which, if not eradicated by treatment may lead to crime. Thus though the persons are not born as criminals "yet born with defects of body and they are potentially criminals thus. Ferri attributed much more importance to social environmental factors than did Lombroso.

Criticism -

- (1) Lombroso has not examined a group of non-criminals. Hence, one could not conclude that particular physical characteristics were associated with the criminal type.
- (2) Criminality is inborn, this view of Lombroso cannot be accepted as it is.
- (3) Dr. Charles Goring an English prison doctor who studied 3000 British convicts and compared them with controls from the normal population and concluded that there was absolutely no evidence for the existence of "physical criminal type". After studying the physical and mental features of thousands of criminals and non-criminals, Dr. Goring found no significant difference between features of criminals and non-criminals. The modern criminologists now are of the views that the criminal tendencies are not hereditary but are acquired.

Contribution - Lombroso and the other supporters of this school attacked the orthodox view that crime was a moral, not a scientific matter and established the approach to it in terms of natural causation which lies at the root of modern criminology. He also viewed the offence from the characteristic of the criminal rather than the crime. This school considered the problem of personality of the criminal in the light of anthropology, biology, psychiatry and jurisprudence. The great contribution of this school lies in the fact that the attention of criminologists was drawn for the first time towards the individual i.e. the personality of the criminal rather than his act i.e. crime or punishment. This certainly paved way for the modern penologist to formulate a criminal policy embodying the principle of individualization as a method of reformation.

Post-Lombrosian Researches:- The Modern Crimino-Biological School:-

Lombroso's theories received a severe jolt as a result of the studies made by Charles Goring which revealed that there was no significant difference between the physical characteristics of criminals and non-criminals and also among criminals of different kinds. This was stated by Goring in the English Convict (1913) a statistical study in which he compared measurements of 37 specific physical characteristics of some 3,000 English recidivist prisoners with similar measurements of university students, hospital patients and members of the British army.

Shortly afterwards, another development occurred in certain countries of Europe which also influenced some criminologist in the U.S.A. The school known as the Modern Crimino-Biological School originated in the third decade of the present century in Germany, Austria and Italy and sought to revive the discredited theories based on physical types. Its exaggerated claims of the relationship between criminality and certain physical traits had the blessings of the totalitarian regimes of these

countries since it was in consonance with some of their notions of 'racial superiority'. Ernest Kretschmer, the famous German psychiatrist, classified the major constitutional types as leptosome or asthenic type, the athletic type and the pyknic type; the three types showing different behaviour.

Yet one more effort to relate criminal behaviour to the human organism was made in England after the Second World War with reference to abnormal combinations of chromosomes.

Studies made by Eavert A. Hootan and William H. Sheldon sought to give a new lease of life to the theories which were dependent on physical deformity in criminals but failed, as well be evident from the following discussion. As result of the study of 13,873 male criminals in various American States and a control group consisting of 3023 persons, Hootan concluded:

"Criminals are organically inferior. Crime is the resultant of the impact of environment upon low grade human organism".

According to him criminals were characterized by low and slopping foreheads, thin lips, compressed jaw angles, straight hair, thin beard and body hair, thick hair on the head, red-brown hair, blue-grey and mixed coloured eyes, nasal bridges and tips varying to both extremes of breadth and narrowness, protruding and small ears, tattooing, long thin necks and slopping shoulders, Hootan, however, failed to demonstrate as to why he regarded these traits as 'Organically inferior'.

Hootan also tried to establish some nexus between the phsyical characteristics of the offenders and the type of offences committed by them. His study disclosed that murders and robbers were of tall and thin stature, thieves and burglars were undersized, while sexual offences and assaults were committed by persons of short and heavy constitution.

Another notable effort to connect criminal tendencies with certain physical traits was made by William H. Sheldon. He classified the human constitution into three types which he called endomorphic, mesomorphic and ectomorphic. The first somotype is represented by round, soft, fat bodies with short tapering limbs and small bones; the second type is reflected in muscular bodies with large trunk, heavy chest, large wrists and hands and heavy bones with the third is shown in lean and delicate bodies, drooping shoulders, small face and delicate bones.

(e) CARTOGRAPHIC SCHOOL-

This school is also known as Geographical or Ecological school. The main supporters or exponents of this school are Quetelet, Guerry, C.A. Mills and Montesquie.

This school has emerged in the recent year only. The philosopher of this school were concerned with the distribution of crimes area. This could had its origin in France and it had its follower in England and Germany. Adolph Quetelet & A.M. Guerry are the prominent proponents of this school. This school flourished between 1830 to 1880. However, the most dominant influence on contribution to this theory came from the social scientist and scholars at the Department of Sociology, University of Chicago, between 1892 and 1942.

This theory of crime causation sees crime as the expression of the environmental influence. This school considers that the geographical surroundings determine the culture of the community concerned, and this culture may vary according to the environment. Unfavourable social conditions may be responsible for criminality. Social condition may be linked with the ecology or geographical surrounding of the people concerned.

Criminologists of this school have applied statistical methods to determine and understand crime in different way. They have plotted the addresses of criminals, the centre of gang activity of the places where crime have been committed, on a map and then have sought to account for differences in distribution between different areas.

These scholars have tried to show the relation between crime and geographical environment.

According to C.A. Mill "crime rates vary with changes in the barometric pressures and with directions of wind". The other supporters are of the view that crimes against property are frequent in winter season and crimes against persons are frequent in summer season. Some of the supporters of this school are of the view that crimes are frequent in mountainous areas than in plain areas.

The basic notion of this school was that crime is caused by the conflicts of values in the lower socio-economic classes, various age group, religious and intersect group living in certain geographic area. The proponent of this theory also locate the roots of the crime in poverty, misery and depravity. The theories of juvenile delinquents, professional criminals were also enunciated by them.

Montesquie has come to certain definite conclusion after making an intensive study of crime in different hemispheres and different altitudes and longitudes of Earth. According to him, the rate of crime is very high in areas on or near the equator. The climate on equator is intensely hot and humid and this renders people irritable. This is vital factor of occurring of crime, particular physical violence and offence. Moreover, the nature of crime is also grave. But there is a progressive decline in the incidence and gravity of crime as we move away towards Tropic of Cancer or Tropic of Capricorn. On or near the poles, north or south, the incidence and gravity of crime is very low. Even Lombroso, in his investigation of the phenomena of crime, discovered that the incidence of crime is less in plains compared with rocky lands, plateau and valleys.

Criticism -

- (1) According to Sutherland the crime rates and physical conditions has no concern. Physical conditions provide the habitat for human like and consequently may facilitate or impede contacts among human beings and perhaps in that sense be related to opportunities for criminal behaviour. In fact the greater frequency of crime during summer months is due to the greater contact on the other hand during winter season the frequency crime is less due to lesser social contact. Thus, physical environment has nothing to do with the crime. Some critics say that climate and physical conditions have nothing to do with crime, for e.g., crime of homicide.
- (2) The ecologists speak only about the influence of the community as if it were a single factor but there are other factors which also influence the crime such as heredity, lack of parental care, mental illness, etc.
- (3) Even in an ideal environment crimes are committed, for e.g., of the two sons born in a good family, one may turn out to be a criminal, the other may be most law abiding.

Contribution - The supporter of this school have tried to show relation between crime and geographical environment. Though there are certain defects in the theory but it cannot be rejected totally because it hold certain substance in it. According to this school of criminology the phenomenon of crime is closely related with the geography, climate and altitude of the place where crime takes place.

(f) **SOCIALIST SCHOOL -**

This school is also known as Marxist school of criminology. The foundation of this school of criminology can be traced to political and economic philosophy of Karl Marx and his colleague Friedrich Engels. A Dutch philosopher William Bonger also contributed to the development of this school.

i) **Karl Marx -**

He was a prominent exponent of socialism. Marx believed that social phenomena, including crime was governed by universal principle, namely, the economic principle, law is a super-structure on economic substrates (structure). The law is made by capitalist society to suit them. The capitalist gives a false picture to suit their selfish motive. Marxist criminology looks behind power, to political and economic systems, for the ultimate explanation of criminality. Crime is explained as being due to specific characteristic of the political and economic system that exists during particular historical period. This school believes that crime is a by-product of the economic system and that is the result of poverty. The labour produced goods with their hard work and the capitalist takes the goods and gives the labour only so much as is necessary for them to maintain bare existence. Marx has also suggested that when the masses become unproductive and unemployed they become demoralized. In capitalist society, those who are in political power control the definition of crime. The crimes of rich i.e. capitalist are either not punished or punished leniently, for e.g., corporate crimes, tax frauds, etc. whereas the crimes of poor are punished severely.

ii) **William Bonger -**

He was a Dutch social philosopher. According to him there is no act which is naturally immoral or criminal. He believed that crimes are anti-social acts that reflect the current morality. Laws are made by the people in power only for their own protection, even though criminal laws may appear to protect members of both the classes. There is always a tension between rapidly changing morality of the society and static criminal laws, resulting into conflicts. It is observed that social order is maintained for the benefit of capitalist at the expense of population as well. Capitalist society leads to relative poverty for masses and Bonger mentioned that crime is a function of relative poverty. According to him as the wealth is distributed unequally there will be criminality. Hence, he was of the opinion that to reduce criminality the best solution is to reduce the gap between the "haves" and "have-nots".

Criticism -

- (1) The exponent of this school had exaggerated the economic influence on criminality but that is not the sole motivating factor. Traffic law, crimes of passion, lust, anger, revenge and jealousy are not rooted in economics.
- (2) According to Marx law is an instrument of domination and exploitation though to certain extent he is correct but it is not the sole function of the law. Law is passed for the benefit of the people also.
- (3) According to this school acts of alcoholism and prostitution are outcome of capitalism. But capitalism only cannot be blamed for it.

Contribution - This school of criminology is nothing but an extension of general theory of economic determination to the criminal behaviour. According to them all human activities are strictly influenced and determined by the economic causes and criminal activity is no exception to this rule. Economic conditions are direct economic motivation, poverty, resentment over economic exploitation, commercialised entertainment, unemployment, economic basis of social prestige and behaviour pattern. According to Marx and Engels economic inequalities are the true causes of crime.

(g) TYPOLOGICAL SCHOOL-

According to this school of thought the real cause of criminality lay in anthropological feature of the criminal. This led to the emergence of 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.

According to this school criminology, the criminal belongs to a particular type. The criminal types have been classified on the basis of anthropological and psychological data. Lombroso, in his exhaustive study of criminals has discovered certain definite relationship between the physical structure and the mental make-up of a man. According to him, not only there is a definite type of physical features and mental traits of the criminal but each category of the criminal has his unique type.

Body types and crime - **Ernst Kretschmer**, a German criminologist, published in 1922 his book *Körperbau und Charakter* (Physique and Character), in which he identified four body types:

- (1) Asthenic - tall and thin, Kretschmer suggested that there is an overwhelmingly large number of asthenic involved in petty offences of theft and fraud.
- (2) Athletic - well developed muscles, who are involved in crime of violence.
- (3) Pyknic - short and fat, involved in crime of deception and fraud and sometimes crimes of violence.
- (4) Dysplastic - mixed body type, tends to commit crime involving decency and morality and sometimes crimes of violence.

The body type theories have been rejected by most of the criminologists after controlled research efforts found no significant relationship between body build and self-reported delinquency. It is said that social factors and not biology plays an important role.

(h) PSYCHIATRIC-

This school of criminology is also known as psychoanalytic theory or Freudian school. The psychoanalytic school of criminology is based upon psychoanalytic theory of the Austrian Neurologist Sigmund Freud, August Aichorn and they shed some light on crime from the psychoanalytic standpoint. The other important psychoanalyst to contribute to criminological thought were Alfred Adler, Carl Jung, Erik Erickson, Healy and Bonner, and Rodl and Wineman.

Main ideology - The psychoanalytic theories argue that criminal behaviour originates primarily in the personalities of offenders rather than in their biology or in situation. Personality refers to the reasonably stable patterns of behaviour, including thoughts, feelings and emotions, that distinguish people from one another. Personality controls a person's way of adapting to life experiences and, therefore, separates people on the basis of their behaviour. Psycho-criminologists link criminality to disturbances of the personality and maintain that persons with an abnormal personality, whatever the cause, will be more likely to engage in anti-social behaviour because they view the world differently. In short, the psychoanalytic model of the criminal offender depicts an aggressive, frustrated person dominated by events that occurred early in childhood. According to this school psychos are of two

categories -

i) **Organic Psychosis -**

Refer to loss of memory, mental degeneration or violent emotional disturbance.

ii) **Functional Psychosis -**

Is a mental conflict or fight with normal person.

Freud Sigmund -

Freud sees emotional imbalance as the main factor in the causation of crime. The mentally and emotionally "defective" is more prone to crime than the emotionally stable.

Freud postulated a three-point structure for the human personality. The primitive part of people's mental make-up, is present at birth. It represents unconscious biological drives, such as food, sex, water, air etc. The id requires instant gratification without concern for the rights of others. The ego is that part of the personality that compensates for the demands of the id by helping people guides their actions to remain within the boundaries of social convention. The ego takes into account what is practical and conventional by societal standards. The superego is the force of self-criticism and conscience and it develops when an individual assimilates the moral standards and values of parents and the community.

Thus, Fred explained mental conflicts in the personality of the criminal in the terms of 'id', 'ego' and 'superego'. There is a constant conflict between these three elements i.e. id, ego and superego. Therefore, he contends that crime is the substitute of symbolic behaviour of a person. Thus, the desire of committing suicide is out of the feeling of inferiority, frustration, depression or anxiety.

Alfred Alder - He is the founder of individual psychology. He contended that inferiority complex is the main cause of crime. He attributes criminal behaviour to inferiority complex and observes that crime is an overt compassion for a deep feeling of inferiority, which is often the result of distrust or neglect of child by parents.

August Aichorn - He contended that the most important causes of crime are -

- (1) Faulty methods of child training. He argues that parents are responsible to make the child criminal either when the parents have no time to give love or give love too much to the child.
- (2) A child having criminal parents are generally upset, and therefore, take to crime itself. A child should be given proper treatment to make their life happy and provide them pleasurable environment.

Carl Jung - He was one of the closest students of Freud Sigmund who developed analytical psychology. According to him an important aspect of human psychic structure is the collective unconscious.

Aristotle - The great philosopher Aristotle mentioned four classical laws of association centuries ago. He stated that -

- (1) similarity,
- (2) contrast,
- (3) succession in time, and
- (4) coexistence, have a close bearing on the psychological concept of crime. Each of these factors greatly influence the behavioural pattern of the criminal.

Psychological depravity in a person due to physical defects and incapacities have also an important bearing on criminality. Thus, persons who are deaf, dumb or those who suffer from white spots, eye-squint (blink) and other physical deformities meet disgust thereby suffer loss of social status and hence they tend to commit crime more frequently. Likewise, persons with ugly look and dark complexion also tend to behave criminally and mostly indulge in sexual offences because of inferiority complex in them which makes them think that they are being neglected by fair sex due to hatred and indifferences. This generates in them a feeling that they are out-caste and their dissatisfactions, revengeful attitude towards women and irritations instigates them to resort to criminal acts in an effort to achieve what they could not otherwise get through legitimate means.

Contribution - The psychiatrist also maintain that criminal behaviour is very much connected to personality of the criminal. There is something uncompromising in the personality of the criminals which compels him to revolt against adjusted norms of the society.

(i) SOCIOLOGICAL AND SOCIAL PSYCHOLOGICAL -

The origin of sociological concept of crime can be traced back to the latter part of 19th century when sociologists undertook intensive study of crime-causation in its economic perceptive. It is contended that apart from the personality of criminal and the effect of biological, mental and psychological factors on him, it is necessary to consider the impact of various social and environmental conditions within which crimes generate. American criminologists attributed criminality to social conditions of the criminal. Roscoe Pound, Dr. Walter Reckless, Gabriel Tarde and Prof. Edwin H. Sutherland are the main exponents of sociological school of criminology.

This school presupposes that criminals are a product of society. The impact of sociological factors is so great on persons that they either shun criminality or embrace it, depending on their environment and immediate social condition.

i) **Gabriel Tarde** - He was a French philosopher, psychologist and criminologist of international repute. He contended that the most significant influence upon a criminal was the influence of social environment. Tarde clearly saw imitation as a principle role player in the causation of criminality. He believed that most of our culture is transmitted by imitation but Tarde neglected to analyse the great influence of economic motives and also did not take cognizance of racial and cultural factors affecting criminality.

ii) **Edwin H. Sutherland** - Prof. Sutherland made an intensive study of criminals and offered two major explanations for criminal behaviour, namely -

- (1) The processes operating at the time of the occurrence of crime which he called the dynamic explanation of crime, and
- (2) The processes operating at the earlier life history of the criminal which he learned as the historical or generic explanation of crime.

The dynamic explanation of crime-causation was subsequently favoured by the psychologists, biologists and psychiatrist. It suggests that the cause of criminal behaviour lies in the immediate favourable situation which the criminal finds conducive for criminal act, for e.g., offence of misappropriation of the public funds can only be committed by persons who handle large sums of

money, offence of theft is often committed in lonely house and offence of sex are common in dwellings where number of family members are limited and opportunities for privacy and loneliness are easily available.

Edwin H. Sutherland propounded his differential association theory.

As to the historical or generic explanation of criminal behaviour or differential association theory, Sutherland drew following conclusions -

- (1) Criminal behaviour is learnt and not inherited.
- (2) Criminal behaviour is learnt through interaction of the criminal with other persons in the process of communication.
- (3) The greatest influence on the individual is that of his intimate personal group which moulds his conduct in many ways.
- (4) The process of learning criminal behaviour involves all of the same mechanism that are involved in any other learning.
- (5) The association with regard to criminal behaviour and anti-criminal behaviour may vary in respect of its duration, priority or intensity.
- (6) Criminal behaviour is an expression of general needs and values.
- (7) Criminal learning includes -
 - (a) Technique of committing crime.
 - (b) The specific of the motives, drives (force), rationalization (reason) and attitudes.

Differential association theory of Sutherland consists of three integral elements -

- (a) differential association,
- (b) differential social organisation, and
- (c) cultural conflict.

When one analyses the relationship among these three central components, it can be seen that the theory operates on more than one level. The two most overt (open) levels are the individuals and the group. The concept of differential association is itself an attempt to explain how an individual becomes criminal, at this level the theory is social psychological. Differential social organisation is an attempt to account for uneven distribution of crime throughout different groups in society. There is a third level, the normative level, which is represented by Sutherland as cultural conflict. The theory attempts a logical, systematic formulation of the chain of interrelations that makes crime reasonable and understandable as normal, learned behaviour without having to resort to assumptions of biological or psychological deviance. Sutherland's theory of differential association is not a multiple-factor approach, but a theory of ecological pluralism which is broad enough to include various contributory factors of the causation of criminality.

The differential association theory is based on the assumption that a criminal act occurs when a situation appropriate for it as defined by the person is present. This theory should be regarded as tentative, and should be tested by all other factual information and theories which are applicable.

j) Clinical school -

With the development of human psychology, there is greater emphasis on the study of emotional aspect of human nature. This branch of knowledge has enabled modern criminologist to understand the criminal behaviour of offenders in its proper perspective. Thus clinical school takes into account variety of factors.

Contribution - It further suggest that the criminals who do not respond favourably to correctional method must be punished with imprisonment or transportation for life, while who are merely victims of social condition should be subjected to correctional methods such as probation, parole, reformatories, open air camps etc., The main theme of this school is that personality of man is a combination of internal & external factors therefore punishment should depend on personality of the accused.

k) Modern school -

Modern critics attack the traditional criminological view on the ground that their search for characteristic difference between the class of criminals and class of non-criminals rests upon erroneous assumption. The proponents of modern criminology attempt to explain criminality in terms of social conflict. According to Engles the resentment among the deprived class of society due to their exploitation & demoralisation was one of the reasons for growing criminality therefore, there was need to change the whole of the social & economic structure of the society.

Contribution - Modern criminologist prefer to identify the criminal with a particular social type who has been victim of well known inequalities between social classes, private wealth, private property, social power, etc.

4) CONCLUSION -

The various school of criminology have given the causes of the crime and policies of control of crime. Each school of criminology explain crime in its own manner, suggest punishments and preventive measures to suit ideology. It could be seen that each of the schools represents the social attitude of the people towards crime and criminal in a given time. These schools have contributed to the emergence of criminology as a branch of knowledge and devoted their attention to analysis of crime-causation.

2

MODULE - 02

PSYCHOLOGY AND CRIME

MEANING, PURPOSE AND SCOPE OF CRIMINAL PSYCHOLOGY

SYNOPSIS:-

1. *Introduction.*
2. *Historical Background of Criminal Psychology.*
3. *Meaning and Concept of Criminal Psychology.*
4. *Importance of Criminal Psychology.*
5. *Definition of Criminal Psychology*
6. *Criminal Psychologist and its importance in the legal system*
7. *Role of Criminal Psychologist.*
8. *Scope of Criminal Psychology.*
9. *Importance of Utility of Study of Psychology*
10. *Theories of Criminal Psychology (Scope)*
11. *Conclusion.*

1. Introduction:-

Psychology as a field, has seen great transformation in the history, with the advancement in terms like ‘Globalization’ and ‘Liberalization’ which played a central role in the 1990’s, which now have been modified to serve more specific paradigms.

This expanding horizon of Psychology has led to the Emergence of Criminal Psychology as an independent field. Today criminal psychology has became a specialized area which is growing and has immense scope.

2. Historical Background of Criminal Psychology:-

Criminal psychology has a relatively short history, dating back to the late nineteenth century, and in India it still is in a process to spread its wings. In the early century, studies were done in relation to various aspects of criminal psychology but this form of psychology was actually not referred to as criminal psychology, and most of the psychologists conducting research in the area did not formally identify themselves as Criminal psychologists and there has been a substantial amount of overlap in the past explanations of what is forensic and criminal psychology.

3. Meaning and Concept of Criminal Psychology:-

The term ‘criminal psychology’ has been defined in numerous ways.

Criminal psychology means:-

- i) the study of the mind and its working in relation to crime.
- ii) the study of the mental processes, motivational patterns, and behavior of criminals.
- iii) the study of the wills, thoughts, intentions and reactions of criminals.

‘Criminal psychology’ is a science, which helps the investigative institutions in fulfilling their mission more effectively by applying a psychological knowledge to it.

Criminal psychology studies everything that is related to criminal behavior, this includes the thought, processes, intentions, motivations and reactions of criminals.

Etymologically, the very word 'psychology' means the study of the soul as it is derived from the Greek word 'psuchi' Latin 'psyche' meaning 'soul' (Atman) and 'Logos' signifying 'a rational course of study' or 'science'.

4. Importance of Criminal Psychology:-

Criminal psychology, also referred to as criminological psychological, is the study of the wills, thoughts, intentions, and reactions of criminals and all that partakes in the criminal behavior. It is related to the field of criminal anthropology. The study goes deeply into what makes someone commit a crime, but also the reactions after the crime. Criminal psychologists are often called up as witnesses in court cases to help the jury to understand the mind of the criminal. Some types of psychiatry also deal with aspects of criminal behavior.

5. Definition of Criminal Psychology:-

The term 'criminal psychology' has been defined in a number of different ways. Even today there is no accepted definition. For example, ten years ago two leading criminal psychologists G.H.Gudjpnsson and L.R.C.Haward (1998) in the United Kingdom defined it as, 'that branch of applied psychology which is concerned with the collection, examination and presentation of evidence for judicial purposes'.

It would be seen from this explanation that criminal psychology is concerned with investigative (those to do with the police) court processes.

A leading American psychologist has gone some way to provide this. He described criminal psychology as, 'any application of psychological knowledge or methods to a task faced by the legal system' (Wrightsman 2001). This more inclusive definition involves the whole of the legal system.

6. Criminal Psychologist and its importance in the legal system:-

Psychiatrists and psychologists are licensed professionals who can assess both mental and physical states. Criminal psychologists varies profiler to investigator, and reporter. At the same time the role of criminal psychologist as a counselor and a psychologists cannot be ignored in this profile.

In the early years of the 20th Century, psychologists began to offer psychological perspectives on criminal behavior and to speculate about the causes of crime. Criminal psychology typically is not considered in the narrow definition of forensic psychology, primarily because it appears more theoretical than clinical in nature. However, in its youth, criminal psychology was essentially clinical in nature, as the theories often centered on the measurable mental capacities of offenders.

In the early 1960s, a psychological criminology distinct from psychiatric and more extensive than psychometrics, began to show signs of life. Hans Toch (1961), who was also making significant contribution to criminology- Legal and Criminal Psychology.

7. Role of Criminal Psychologist:-

Criminal psychologist cover a range of roles, such as:

- i) Researching evidence to support practice.
- ii) Implementing treatment programmes.

- iii) Modifying offender behavior.
- iv) Advising parole boards.
- v) Responding to changing needs of prisoners and staff.
- vi) Stress management techniques for staff and prisoners
- vii) Statistical analysis used for prisoner profiling.
- viii) Using psychological testing to assess offenders.
- ix) Providing psychological reports to the defense/prosecution.
- x) Appearing in court as an expert witness.
- xi) Crime analysis.
- xii) Mental health tribunals.

The Four Roles of Criminal Psychologists:-

In 1981, one of the fathers of UK's criminal psychology- Professor Lionel Haward- described four ways that psychologist may perform upon being professionally involved in criminal proceedings.

These are the following:-

- a) **Clinical:-** In this situation, the psychologists is involved in assessment and individual in order to provide a clinical judgment. The psychologist can use assessment tools, interview or psychometric tool in order to aid in his/her assessment. These assessment can help police. For example, help finding out whether he/ she is capable to stand trial or whether the individual has mental illness which means, that he/she is unable to understand the proceedings.
- b) **Experimental:-** In this case, the task of psychologist is to perform a research in order to inform a case. This may involve false memory, eyewitness credibility experiments and such. For Example, this way questions similar to "how likely would a witness see an object at 100 meters? Will be answered.
- c) **Actuarial:-** This role involves usage of statistics in order to inform a case. For example, a psychologist may be asked to provide probability of an event occurring. Therefore, the courts may ask how likely a person will reoffend if a sentence is declined.
- d) **Advisory:-** Here, a psychologists may advise police about how to proceed with the investigation . For example, which is the best way to interview, how best cross-examine a vulnerable for another expert witness, how an offender will act after committing the offence.
- e) **Profiling:-** In this the psychologist will usually be involved in the assessment of an individual in order to provide a clinical judgment. The psychologist could use interviews, assessment tools or psychometric tests (Example: special questionnaires) to aid in his or her assessment. These assessments can inform the police, the courts, or the prison and probation services about the psychological functioning of an individual and can therefore influence how the different sections of the criminal justice system process the individual in question. For example, a psychologist may be asked to assess individuals in order to determine whether they are fit to stand trial or whether they have a mental illness which means that they would not understand the proceedings. Profiles are required to carry accurate information. Offender profiling has received a great deal of attention from the media in recent years. Media reporting of the utilization of criminal psychologists in high profile cases has introduced the general public to the notion of offender profiling.

- f) **As a part of the Correctional System:-** In the Indian judicial system there are many times when the role of a psychologist as an interventionist is required and is suggested. In such cases the role of a criminal psychologist is to assess the problem, in case of clinical issue to do the diagnosis with or without the help of psychometric testing, understand the cause behind the problem, propose and apply a therapeutic intervention.
- g) **Experimental:-** This can involve the psychologist performing research in order to inform a case. This can involve carrying out experimental tests in order to illustrate a point or provide further information to the courts (for example, how likely it is that someone can correctly identify an object in the hand of an individual from a distance of 100 metres at twilight).
- h) **Courts:-** There are many opportunities to apply criminal psychology within the courts system. Criminal psychologists are often asked to attend criminal and civil cases. In the criminal field, they may be required to assess competency, that is, whether the person is fit to stand trial, can make legal decisions on their own behalf, and so on.
- i) **Correctional systems:-** Some criminal psychologists work in prisons, jails and juvenile correction facilities or psychiatric hospitals. They may be involved in a variety of roles, such as therapeutic intervention, diagnosis, psychometric testing and so on. Their evaluations can be important to future paroles.

8. Scope of Psychology:-

Where there is behavior, one finds the scope of psychology. Behaviour of normal, abnormal, the young and the old belonging to all spheres of life are studied by psychology. Its scope is not confined to human behavior but encompasses the behaviour of animals too.

Scope of psychology is too wide. It studies, describes and explains the behaviour of all the living organisms. Living organisms and their life activities are countless. Therefore, no limit can be imposed upon the scope of the subject of psychology.

Behaviour of individuals differs, mostly on hereditary influences. We inherit our bodily structure through our parents. We inherit the bodily structure with its capacities for growth and development with some limitations on its final attainments.

9. Importance or Utility of Study of Criminal Psychology:-

Criminal Psychology is applied to make human life better and more effective in the environment in which man lives. Criminal Psychology has contributed a great deal in the field of education, business, industry, medicine, law, politics, etc.

1. In the field of medicine, for the treatment of mental illness or physical sickness, psychology helps doctors and nurses as behaviour counts much more than the medicines. Psychology has contributed valuable therapeutic measures like behaviour therapy, play therapy, group therapy, shock therapy, psycho-analysis etc. for the cure of patients suffering with mental diseases.
2. The use of psychology has helped in the detection of crime and dealing with criminal.
3. Prison reforms are made based on psychological principles and rehabilitated methods.
3. Politicians make use of psychology by applying the group dynamics, social distance, propaganda, leadership etc. for gaining popularity, leading masses and efficient administration.
4. Major use of psychology is in the field of guidance and counseling as it provides valuable guidance to persons seeking solution to their problems of adjustment in the field of education,

- employment and personal life. The counselor assess behaviour of the person concerned through various psychological measures and techniques and then suggests ways to solve his difficulty.
5. Psychology helps the individual to know and assess his own abilities, shortcoming, habits and temperaments and to develop well balanced and integrated personality.
 6. Psychology helps military officers in the selection, training, promotion and classification of defence personality.
 7. Thus, psychology has a wide field of application and utility. There is no profession where we do not have opportunities of utilizing the principles and techniques of psychology.

10. Theories of Criminal Psychology / Scope of Criminal Psychology

1. Biological Theories of Crime:-

Sheldon's (1949) Constitutional Theory:-

Sheldon's theory is also regarded as amongst the early theory of Personality. Applying the same description of body types, Sheldon proposed that crime is largely a product of an individual's body type, or somatotype , which is assumed to be linked to an individual's temperament.

Jacobs, Brunton, Melville, Brittain, and McClemont's (1965) Chromosomal Theory:-

Chromosomal theory which is still studied and has been further explored to get the in-depth details probably started with Jacobs and her colleagues who proposed that chromosomal irregularity is linked to criminal behaviour. A normal femal has two X chromosomal, whereas a normal male has one X and one Y chromosome. However, it was discovered that some men posses two Y chromosomes, which it was proposed, made them more masculine and, therefore, more aggressive. According to Jacobs and her collogues, this enhanced aggressiveness would result in an increased chance that these men would commit violent crimes.

Mark and Ervin's (1970) Dyscontrol Theory:-

Accoding to Mark and Ervin, symptoms of this dyscontrol stndrome can include outburst of sudden physical violence, impulsive sexual behavior, and serious traffic violations.

2. Sociological Theories of Crime:-

Sociological theories of crime reflect on the societal and cultural factors as major contributors of criminal behavior. There are many theories which fall under the sociological perspective and each one of them attempt to explain how one's environment and social forces can aid to crime.

Clifford R. Shaw and Henry D. Mckay;s (1900's) Social Disorganization theory:-

Focuses on the urban conditions that effect crime rates. A disorganized area is one in which institutions of social control, such as family, commercial establishments and schools have broken down and can no longer perform their expected or stated functions. Indicators of social disorganization include high unemployment and school dropout rates, deteriorated housing, low income levels and large numbers of single parent households. Residents in these areas experience conflict and despair, and as a result, criminal behavior flourishes.

Merton's (1938) Strain Theory:-

Merton proposed that crime is largely a product of the strain felt by certain individuals in society (typically from the lower class) who have limited access to legitimate means (Example, education) for achieving values goals of success (Example, money). Merton argued that while some of these individuals will be happy with lesser goals that are achievable, others will turn to illegitimate means (Example, crime) in an attempt to achieve the valued goals.

Sutherland's (1939) Differential Association Theory:-

Sutherland proposed that criminal behavior is learned through social interactions in which people are exposed to values that are favourable to violations of the law.

Becker's (1963) Labelling Theory:-

Becker proposed that deviance is not inherent to an act, but a label attached to an act by society. Thus, a "criminal" results from a process of society labeling an individual a criminal.

3. Psychological Theories of Crime:-**Bowlby's (1944) Theory of Maternal Deprivation:-**

Children will experience long-term problems in developing positive social relationships and will instead develop antisocial behavior patterns.

Eysenck's (1964) Biosocial Theory of Crime:-

Eysenck believed that some individuals (Example, extroverts and neurotics) are born with cortical and autonomic nervous systems that influence their ability to learn from the consequences of their behavior, especially the negative consequences experienced in childhood as part of the socialization and conscience-building process. Due to their poor conditionability, it is assumed that individuals who exhibit high levels of extraversion and neuroticism will have strong antisocial inclinations.

Gottfredson and Hirschi's (1990) General Theory of Crime:-

Gottfredson and Hirschi argue that low self-control, internalized early in life, in the presence of criminal opportunities explains an individual's propensity to commit crimes.

Psychodynamic Trait Theory :-

Psychodynamic (Psychoanalytical) therapy was developed by Sigmund Freud in the late 1800's and has then become a significant theory in the history of criminality.

The theory is a three-part structure made up of the id, the ego, and the super ego.

11. Conclusion:-

In 1913, J.B. Watson, the father of the Behaviorist school proposed to elaborate the concept of the term behaviour including in it both human and animal behaviour and defined psychology as the science of behaviour-consisting of learned responses to external stimuli that are perceived by senses.

PSYCHOLOGICAL VS. PSYCHO-ANALYTICAL APPROACH TO CRIME**SYNOPSIS:-**

1. Introduction.
 - a. Main Ideology b. Contribution
2. Psychology as Science of Soul.
3. Nature of Psychology (Is Psychology a Science?).
4. Is Psychology Positive Science or Normative Science.
5. Origin and Development.
6. The Concept.
7. Sigmund Freud's Psychoanalysis.
8. Post-Freudian Psychoanalytic Theory
9. Alfred Adler (1870-1937)
10. Carl Jung (1875-1961)
11. William Healy and Augusta Bronner in (1931).
12. Erik Erikson's (1902-1984)
13. Historical Background

1. Introduction:-

This school of criminology is also known as psychoanalytic theory or Freudian school. The psychoanalytic school of criminology is based upon psychoanalytic theory of the Austrian Neurologist Sigmund Freud, August Aichorn and they shed some light on crime from the psychoanalytic standpoint. The other important psychoanalyst to contribute to criminological thought were Alfred Adler, Carl Jung, Erik Erickson, Healy and Bonner, and Rodl and Wineman.

a) **Main ideology** - The psychoanalytic theories argue that criminal behaviour originates primarily in the personalities of offenders rather than in their biology or in situation. Personality refers to the reasonably stable patterns of behaviour, including thoughts, feelings and emotions, that distinguish people from one another. Personality controls a person's way of adapting to life experiences and, therefore, separates people on the basis of their behaviour. Psycho-criminologists link criminality to disturbances of the personality and maintain that persons with an abnormal personality, whatever the cause, will be more likely to engage in anti-social behaviour because they view the world differently. In short, the psychoanalytic model of the criminal offender depicts an aggressive, frustrated person dominated by events that occurred early in childhood. According to this school psychos are of two categories –

1. Psychological depravity in a person due to physical defects and incapacities have also an important bearing on criminality. Thus, persons who are deaf, dumb or those who suffer from white-spots, eye-squint (blink) and other physical deformities meet disgust thereby suffer loss of social status and hence they tend to commit crime more frequently.
2. Persons with ugly look and dark complexion also tend to behave criminally and mostly indulge in sexual offences because of inferiority complex in them which makes them think that they are being neglected by fair sex due to hatred and indifferences. This generates in them a feeling that they are out-caste and their dissatisfactions, revengeful

attitude towards women and irritations instigates them to resort to criminal acts in an effort to achieve what they could not otherwise get through legitimate means.

- b) **Contribution** - The psychiatrist also maintain that criminal behaviour is very much connected to personality of the criminal. There is something uncompromising in the personality of the criminals which compels him to revolt against adjusted norms of the society.

2. Psychology as Science of Soul:-

Etymologically, the very word ‘psychology’ means the study of the soul as it is derived from two Greek words ‘psuchi’ (Latin ‘psyche’) meaning ‘soul’ (Atman) and ‘Logos’ signifying a rational course of study’ or ‘science’.

Psychology as Science of BEHAVIOUR:-

The first man to define psychology as the science of behavior was an English psychologist, William McDougall. In book ‘Physiological Psychology’ published in 1905, he wrote “psychology may be best and most comprehensively defined as the positive science of the conduct of living creatures”. Later on in 1908, in his book “Introduction to Social Psychology”, he added the word ‘behaviour’ to his definition and finally, in his book ‘An Outline of Psychology’ he defined it thus—“Psychology is a science which aims to give us better understanding and control of the behavior of the organism as a whole.

In his book ‘Essentials of Psychology’ (1911), Water Bowers Philsby stated that “Psychology may be most satisfactorily defined as the science of human behavior.”

According to Skinner, “Psychology is science of behavior and experience.”

3. Nature of Psychology (Is Psychology a Science?):-

Psychology is considered as a science. Generally, science is a simple way of acquiring knowledge. Science is a systematic study of facts.

1. Psychology possesses a well organized theory which is supported by the relevant psychological laws and principles.
2. The laws of psychology have been found to be correct in every time and place, under the same conditions. The general principles of psychology are universal.
3. The laws of psychology are veridical. By verification and reverification psychological principles have been found to be true everywhere. They can be verified by any person.
4. Psychology not only observes behavior, but also finds out cause-effect relationship in it. It believes that every behavior has its roots, the facts of its causing, influencing or nurturing.
5. Psychology predicts human behavior. By discovering the cause-effect relationship, psychology also predicts human behavior and these predictions can be verifiable through psychological tests.
6. The methods and techniques employed in the study of the behavior in psychology are quite scientific. Experimental method is being used to observe phenomenon in strictly controlled situations in psychological laboratories.
7. Psychology emphasizes on the search for truth by advocating objectively, reliability and validity in the assessment of the behavior.

4. Is Psychology Positive Science or Normative Science:-

1. Psychology is the study of human behavior.
2. Behaviour of man cannot be studied in laboratories as behavior is typically influenced by many factors i.e. multiple basis of behavior.
3. The objective of the psychological studies is to improve the human condition by discovering something that can be put to practical use. It aims at 'what ought to be'.

5. Origin and Development of Psychoanalytic to Crime:-

The Psychoanalytic School of criminology is based upon the psycho-analytic theory of the Austrian neurologist Sigmund Freud (1856-1939). August Aichorn, the Viennese psycho-analyst also shed some light on crime, from the psychoanalytic stand-point in his famous book, Wayward Youth (1935). The other important Psychoanalysts to contribute to criminology thought were Alfred Adler, Carl Jung, Erik Erickson, Healy and Bonner, and Redl and Wineman.

6. The Concept:-

The psychoanalytic theories argue that criminal behaviour originates primarily in the personalities of offenders rather than in their biology or in situation. Personalities refers to the reasonably stable patterns of behavior, including thoughts, feelings and emotions, that distinguish people from one another. Personalities controls a person's way of adapting to life experiences and, therefore, separates people on the basis of their behaviour. Psychocriminologists link criminality to disturbances of the personality and maintain that persons with an abnormal personality (whatever the cause) will be more likely to engage in anti-social behaviour because they view the world differently. In short, the psychoanalytic model of the criminal offender depicts an aggressive, frustrated person dominated by events that occurred early in childhood.

7. Sigmund Freud's Psychoanalysis:-

Freud sees emotional imbalance as the main factor in the causation of crime. The mentally and emotionally "defective" is more prone to crime than one emotionally stable. Freud postulated a three-point structure for the human personality. The id, the primitive part of people's mental make-up, is present at birth. It represents unconscious biological drives, such as food, sex, water, air, sleep etc. The id requires instant gratification without concern for the rights of others. The ego is that part of the personality that compensates for the demands of the id by helping people guide their actions to remain within the boundaries of social convention. The ego takes into account what is practical and conventional by societal standards. The superego is the force of self-criticism and conscience and it develops when an individual assimilates the moral standards and values of parents and community.

Example of this three parts personality structure working in reality. An individual's id might demand pleasures, such as sex; and unable to get it, may decide to opt for rape, the superego makes the person feel guilty for such a desire; the ego works out a compromise and impels him to visit a prostitute. In our example above, had the superego been very weak the individual may have gone ahead with the rape; similarly had the superego been extremely powerful it would have been able to subdue the id conclusively and the compromise situation would also not have occurred.

8. Post-Freudian Psychoanalytic Theory.

August Aichorn was the psychoanalyst who perhaps wrote the most on criminality. After examining many delinquent youths, Aichorn concluded that societal stress, though demanding, could not alone result in a life a crime, unless a predisposition existed that prepared youths psychologically for anti-social acts. He labeled this latent delinquency. Latent delinquency is found in youngsters whose personality requires (compels) them to seek immediate gratification (to act impulsively), consider satisfaction of their personal needs more important than relating to others, and satisfy instinctive urges without consideration of right and wrong (that is, they lack guilty).

Aichorn contended that the most important causes of crime are:-

1. Faulty methods of child training. Here, Aichorn argues that when parents do not give or give love too easily, the child does not learn to give up his instinctual demands and will become a criminal. He will make the necessary sacrifice only if he feels that his parents "truly" love him.
2. A child having criminal parents may find his moral judgment (superego) upset, and, therefore, take to crime itself.
3. A child may sometimes be constitutionally incapable of making the identifications with his parents which social adoptions demand and out of frustration may take to crime.

9. Alfred Adler (1870-1937) :-

The founder of individual psychology saw inferiority complex as a crime causative factor. He contended that crime is taken-up due to the inferiority complex of a person and that the crime embodies a sense of achievement, hostility and revenge and, therefore, bolsters the person's ego.

10. **Carl Jung (1875-1961)** was one of the closest students of Sigmude Freud. He developed analytical psychology. According to Jung, an important aspect of the human psychic structure is the collective unconscious, which is a sort of racial memory of the past experience of the human species.

11. **William Helay and Augusta Bronner in (1931).** They used in their study a criminal group and a non-criminal control group, with focus on the parent-child relationship.]

12. **Erik Erikson's (1902-1984)** theory of psycho social development holds that humans go through eight stages of ego development. These stages are:-
 1. Trusting their mother.
 2. Becoming acclimated to surrounding.
 3. Master fundamental skills.
 4. Learning careers.
 5. Committing to love.
 6. Being creative.
 7. Exhibiting wisdom.
 8. Exhibiting dignity.

Erikson points out the identity crisis:- a period of serious personal questioning people undertake in an effort to determine their own values and sense of direction.

BEHAVIOUR APPROACH TO CRIME BEHAVIOUR SYSTEM

1. *Introduction*
2. *Characteristics of Behavioural System in Crime.*
3. *Process of Criminal Behaviour:-*
4. *Illustration of Behaviour System in Crime of Theft:-*
5. *Reasons for the existence of professional theft:-*

1. Introduction:-

A behaviour system should be defined as a way of life which grows out of a united casual process. It is considered as a peculiar disease, which is differentiated from other diseases.

Crime may be seen as human activity that deviates from social norms in intolerable ways. Despite our best efforts to fight it, crime continues to plague society since thousands of years and endanger its very foundation; the social order.

Crime generally consists of a great variety of criminal acts. These criminal acts differ among themselves in-

- a. motives and characteristics of offenders.
- b. characteristics of victims.
- c. situation in which they are committed.
- d. techniques which are used.
- e. damages which result and
- f. the reaction of the victims and public in genera.
- g. quantum of loss suffered by victim.

All the criminal activities depend upon the behaviour system in crime.

'Behaviour system' is a very important aspect in the study about crimes. The reason is that common element of 'violation of law' is found in every crime. Although no specific or definite reason can be assigned for the commission of the crimes, yet it is true that crime spoils the whole system, peace and order of the society.

2. Characteristics of Behavioural System in Crime.

There are three main characteristics of the system in crimes-

- i) We cannot call a behaviour system in crime to be merely an aggregation of individual criminal acts. It is an integrated unit which also includes in addition to the individual acts, the codes, traditions, social relationship among the direct participations and indirect participation of many other persons. This behaviour system in crime may be illustrated by professional theft, drug addition, racketeering, fraudulently advertising and manipulation of corporate securities.
- ii) The behaviour which occurs in a behaviour system is not unique to any particular individual but it is the common behaviour. It operates in the same way in a large number of persons.
- iii) Common and joint participation in the system is the essential characteristic of behaviour system. So it can be defined by the feeling of identification of those who participate in it. Criminals get mutual cooperation from each other because of the fact that sentimental adjustment and coordination is generally found in them in committing illegal act.

The norms of the behaviour system are universal. As such they are applicable not only to the specific criminals but also to all the criminals alike.

3. Process of Criminal Behaviour:-

Criminal behaviour is a behaviour in violation of the criminal law and also any behaviour that has criminal intent, or results in punishment by law enforcement at the same time. It refers to that action, or reaction by an individual or body of individuals that has criminal intent and against the rules and regulations of a country or society. The process by which a particular person comes to engage in the criminal behaviour is as follows:-

- i) Criminal behaviour is learned. This means negatively that the criminal behaviour is not inherited as such. The person who is not already trained in crime, does not invent criminal behaviour, just as a person does not make mechanical inventions unless he has trained in mechanics.
- ii) Criminal behaviour is learned in interaction with other persons in a process of communication. This communication is verbal in many respect but includes also the communication of gestures.
- iii) The principal part of the learning of criminal behaviour occurs within intimate personal group. This means negatively that the impersonal agencies of communication such as movies and newspapers, play relatively in unimportant part in the genesis of criminal behaviour.
- iv) The learning of criminal behaviour includes:-
 - a) the techniques of committing the crime, which are sometimes very complicated and sometimes simple.
 - b) the specific direction of motives, drives, rationalization and attitudes. The specific direction of motives and drives learned from the definition of the legal codes is favourable or unfavourable. In some societies, an individual is surrounded by persons who invariably define the legal codes as rules to be observed, while, in others, he is surrounded by persons whose definitions are favourable to the violation of the legal code.
- v) A person becomes delinquent because of an excess of definitions favourable to violation of law over definitions unfavourable to violation of law. Persons become criminal because of contact with criminal patterns and also because of isolation from anti-criminal patterns. Any person inevitably assimilates the surrounding unless other patterns are in conflict.
- vi) Differential association may vary in frequency, duration, priority and intensity. This means the association with anti-criminal behaviour and also association with criminal behaviour vary in those respects.
- vii) The process of learning criminal behaviour by association with criminal and anti-criminal patterns involves all of the mechanisms that are involved in any other learning. Its negative meaning is that the learning of criminal behaviour is not restricted to the process of initiation. For example, a person who is seduced, learns criminal behaviour by association, but this process would not be ordinarily described as imitation.
- viii) Though criminal behaviour is an expression of general needs and values, it is not explained by those needs and values since non-criminal behaviour is an expression of the same needs and values e.g. thieves generally steal in order to secure money, but the honest labour work in order to secure money.

The drives and values of criminal behaviour are (a) the happiness principles (b) striving for social status (c) the money motive or (d) frustration or for livelihood purpose. All these things may motivate a person to be a criminal.

4. Illustration of Behaviour System in Crime of Theft:-

Professional theft is an illustration of a behaviour system in crime. According to E. H. Sutherland, "Professional theft is presented as an illustration of a behaviour system which can be defined and explained as a unit." The following two question arise in that connection.

- a) How did the tendency to commit theft come in existence and why did it continue?
- b) How does a 'non-criminal person' come closer in association of such a professional thief?

The act of committing theft is itself a pre-planned offence, and it requires skill and full technical knowledge. The principle rackets used by the professional thieves are confidence games, shop-lifting and pocket-picking. The following are a few peculiarities in the offence of professional theft:

1. **Regular work at theft:-** Professional thieves make a regular business of theft. Generally, the offence of theft is committed when the owner is not found in the house or the house is in such a place which is too far and lonely or the house is locked. The appropriate time to commit theft is generally in the later part of the night.
2. **The object or motive to commit theft:-** The main object behind committing an offence of theft is to earn more with less labour. A thief generally commits such offence with intention to procure money or wealth of others by such an illegal manner and to satisfy his wants in future with such wealth.
3. **Precautions:-** The security in professional theft is attained in three ways-
 - a) selection of rackets which involves a minimum of danger.
 - b) developing clear and skilled techniques for executing the crimes they select.
 - c) making arrangements to fix those cases in which they may be caught with the help of professional fixtures.
4. **Technique or technical skills:-** They are techniques which have been developed over a period of centuries and transmitted to them through traditional and personal associations. The main technique of the offence of theft is that a thief generally gets entrance in the house through back door or window and goes back from these with available ornaments, money and other valuable things without any noise, disturbance and knowledge. Sometimes when a thief who has already entered in the house finds that the house-owner or any other family member is awake, he either runs away from that house without committing any offence, or makes them unconscious or ties them to some post and completes his work by keeping them silent either by threatening them or by an assault.
5. **Defence:-** A person who commits the offence of theft knows well about his 'self-defence' which includes his escape from the grip of any person, jumping from the wall or from the roof of the house or to save himself by making an assault on those who try to catch him. Sometimes when they are caught, they escape with the police protection. Sometimes, when they are convicted and tried in the court, when caught red-handed, the advocates defend them and proved their innocence against the charge of theft.
6. **Mutual cooperation with other criminals:-** The offence of theft is generally

committed by many persons jointly sometimes one person commits theft but in most of the cases, it is done by a gang of thieves with a common intention and mutual cooperation with each other.

5. Reasons for the existence of professional theft:-

1. Majority of the people avoid a complaint of theft to save them from various complicated formalities and the undue harassment of police.
2. The victims are more interested in getting their property back than in abstract justice and thus they are hardly interested in the punishment of the criminals for which they have to do a lot in collecting evidence to prove the crime.
3. Most of the people avoid giving any witness or producing the evidence which they can produce before the police.
4. There is a group of persons in the society who purchase the stolen property chiefly from the thieves and thus encourage them to do this offence.
5. There are lawyers to defend the professional thieves by very clever arguments and other devices available.
6. The rest of the society is not willing to present a solid form against theft as they are not organized against the theft.
7. The punishment is not severe and thieves can come out of prison within a short period.

DEFINITION OF CRIMINAL BEHAVIOUR-PSYCHODYNAMICS OF CRIMINAL BEHAVIOUR

SYNOPSIS:-

- 1) **Introduction:-**
- 2) **Meaning and Concept**
- 3) **Traits that Lead to Criminal Behaviour:-**
- 4) **Causes of Criminal behaviour:-**
- 5) **Theories of Criminal Behaviour:-**
- 6) **Pscyhodynamics of Criminal Behaviour:-**

1) Introduction:-

The focus of Criminal behaviour study is to understand the offender better and answer questions like who criminals are, why do they commit an offence (In order to define ways of preventing criminal), how do they do thing, what do they do (in order to predict their future actions and assist investigation in catching offenders).

2) Meaning and Concept:-

Andrews & Bonta, 1998 offered four general definitions of criminal behaviour that will fit all the types of it. These four areas include the following types of act.

1. Prohibited by law and are punished by the state

2. Considered to be violation of moral or religious code and is believed to be punishable by a Supreme Spiritual being such as God.
3. Violate norms of society or traditions and are believed to be punishable by community.
4. Acts causing serious psychological stress or mental damage to a victim, but is somewhat affordable for offender (referred as "Psychological criminal behaviour").

From the all stated above a general definition of criminal behaviour can be stated as "Any kind of antisocial behaviour, which is punishable by law or norms, stated by community," therefore, it is very difficult to define it, because the acts, being considered as violation at one point of time now is accepted by community.

It is important to distinguish delinquency from criminal act. The first one refers to acts, that are prohibited by social norms, while the second one is violation of existing laws defining by a state.

This field includes studying of risk factors and measuring crime in order to assist in prevention.

Criminal behaviour usually is measured by arrests and charges, self-reported offences (which is believed by some to be more accurate), actual crimes rates, which are usually obtained by governmental organs. By using this kind of information crime reports are generated, which helps to generally categories crimes by type and offender characteristics such as gender, age, race and location.

3) Traits that Lead to Criminal Behaviour:-

1. **Anti-social values:-** This is also known as criminal thinking. It includes criminal rationalization or the belief that their criminal behaviour was justified. Individuals possessing this trait often blame others for their negative behaviour, and show a lack of remorse.
2. **Criminal peers:-** Individuals with this trait often have peers that are associated with criminal activities. Most are often involved with substance abuse including drugs or alcohol. Peer influence often persuades the individual to engage in criminal behaviour. They will also typically present with a lack of pro-social community involvement.
3. **Anti-social personality:-** These traits often include a typical behaviour conducted prior to the age of fifteen and can include, running away, skipping school, fighting, possessing weapons, lying stealing and damage to either animals or property.
4. **Dysfunctional family:-** One of the most common traits includes a lack of family support, both emotionally and otherwise. An individual's family lacks the ability to solve problem and often is unable to communicate effectively. Family members often don't posses the ability to express emotions in an appropriate manner. More often than not, they are also involved with criminal activity.
5. **Low self-control:-** This involves one's ability to control temperament and impulsivity. People that carry this trait often do things that they didn't plan, and will fail to think before acting. The mindset is of the here and now, and not on the consequences of the behaviour.
6. **Substance abuse:-** The use of drugs or alcohol that significantly affect one's ability to engage in a successful and productive lifestyle. There is often an increased tolerance to substance, in addition to an inability to stop use.

4) Causes of Criminal behaviour:-

- i) **Financial problems, or starvation:-** this is especially common problem in third world countries. When a person has to struggle every day just to get food to survive, the probability that they become thieves is high.

- ii) **Low social status:-** When one is bullied because of it, they may easily become aggressors and fight back against the whole society.
- iii) **Genetics:-** Some genetical mental disorders, itself, includes increased aggression. The reasons behind criminal behaviour can vary a lot in each particular case, but still they can be grouped in two main categories-genetics and environment.

Nowadays the psychology and criminalists agree that what drives a person to criminal behaviour is really complex and complicated mechanism, involving a lot of factors. We can imagine a child, who was born in a 'criminal' family (mother is schizophrenic, father is rapist and murderer) but after he got an education and a job there is nothing antisocial in his behaviour. It proves the solely genetics can't determine one's inclination to the criminal.

So, it is impossible to predict a person's "criminality" according to some specific factors, but we can still highlight some circumstances and apply a person to a 'relatively higher criminal risk group'.

5) Theories of Criminal Behaviour:-

In order to find the best ways to handle and prevent crime, examining why do people commit crime is very important. Many theories have appeared and are appearing since beginning of this study seeking to find the best solutions for this problem. Those theories are continuing and will always influence forensic/criminal psychologist's work.

Three broad models of criminal behaviour are the following:- Psychological, sociological and biological models.

Psychological:-

There are several fundamental assumptions, that are common for all the psychological approaches to criminal behaviour:-

- i) The individual is the primary unit of analysis. (Individual human being is considered to be responsible for acts he/she conducted.)
- ii) Personality drives behaviour within individuals, because it is the major motivational element.
- iii) Crimes can result from abnormal, dysfunctional or inappropriate mental processes within the individual's personality.
- iv) An individual may have purpose of criminal behaviour if it addresses certain felt needs.
- v) Normality is generally defined by social consensus, that is, what is considered as "typical," "normal," or 'acceptable' by the majority of individuals in a certain social group.
- vi) Defective or abnormal, mental processes may be caused by a variety of factors such as diseased mind, inappropriate learning or improper conditioning, the emulation of inappropriate role models, and adjustment to inner conflicts.

Sociological:-

In this approach scientists are examining criminal behaviour from a sociological point of view. The majority of sociological theories believe, that the criminal behaviour mainly is influenced by combination of social surrounding, political and economic factors. Offenders are not necessarily

viewed as bad people, these theories tend to look at social context of a person's situation, examining his race, neighborhood, intelligence, education, family, political and media influence, income level, job and career, childhood history to determine why did he/she become criminal. There are many different theories seeking to explain criminal behaviour such as: Social Structure Theory (which itself consists of Social disorganization, Strain and Cultural deviance theories) differential association, theory of anomie, neutralization theory, Social Control Theory and many others.

The key idea of Differential association theory, created by Edwin H. Sutherland is, that criminal behaviour is learned through communication with other people.

According to social control theory, if social bonds of a person is weak, he/she will be more likely to conduct a criminal act, because people care what others think of them and try to conform with the social expectations because of their attachment to others.

Biological:-

Biological theories purport, that criminal behaviour is caused by some flaw in individual's biological make up. According to Raine Study, the causes may be Heredity, Neurotransmitter dysfunction and brain abnormalities, which could be caused either by the first two or trauma. Many theories are sharing biological approaches such as: Trait and psychodynamic trait theories, Lombroso's Theory, Y Chromosome Theory and others.

6) Pscyhodynamics of Criminal Behaviour:-

Pscyhodynamics of Criminal Behaviour is also known as psychoanalytic theory or Freudian school. Pscyhodynamics of Criminal Behaviour of criminology is based upon psychoanalytic theory of the Austrian Neurologist Sigmund Freud, August Aichorn and they shed some light on crime from the psychoanalytic standpoint. The other important psychoanalyst who contribute to criminological thought where Alfred Adler, Carl Jung, Erik Erickson, Healy and Bonner, and Rodl and Wineman.

Main ideology – The Pscyhodynamics of Criminal Behaviour theories argue that criminal behaviour originates primarily in the personalities of offenders rather than in their biology or in situation. Personality refers to the reasonably stable patterns of behaviour, including thoughts, feelings and emotions, that distinguish people from one another. Personality controls a person's way of adapting to life experiences and, therefore, separates people on the basis of their behaviour. Psycho-criminologists link criminality to disturbances of the personality and maintain that persons with an abnormal personality, whatever the cause, will be more likely to engage in anti-social behaviour because they view the world differently. In short, the psychoanalytic model of the criminal offender depicts an aggressive, frustrated person dominated by events that occurred early in childhood. According to this school psychos are of two categories -

i) Organic Psychosis -

Refer to loss of memory, mental degeneration or violent emotional disturbance.

ii) Functional Psychosis -

Is a mental conflict or fight with normal person.

Alfred Alder - He is the founder of individual psychology. He contended that inferiority complex is the main cause of crime. He attributes criminal behaviour to inferiority complex and observes that crime is an overt expression for a deep feeling of inferiority, which is often the result of distrust or neglect of child by parents.

August Aichorn - He contended that the most important causes of crime are -

- (1) Faulty methods of child training. He argues that parents are responsible to make the child criminal either when the parents have no time to give love or give love too much to the child.
- (2) A child having criminal parents are generally upset, and therefore, take to crime itself.
A child should be given proper treatment to make their life happy and provide them pleasurable environment.

Carl Jung - He was one of the closest students of Freud Sigmund who developed analytical psychology. According to him an important aspect of human psychic structure is the collective unconscious.

Aristotle - The great philosopher Aristotle mentioned four classical laws of association centuries ago. He stated that -

- (1) similarity,
- (2) contrast,
- (3) succession in time, and
- (4) coexistence, have a close bearing on the psychological concept of crime. Each of these factors greatly influence the behavioural pattern of the criminal.

Psychological depravity in a person due to physical defects and incapacities have also an important bearing on criminality. Thus, persons who are deaf, dumb or those who suffer from white-spots, eye-squint (blink) and other physical deformities meet disgust thereby suffer loss of social status and hence they tend to commit crime more frequently. Likewise, persons with ugly look and dark complexion also tend to behave criminally and mostly indulge in sexual offences because of inferiority complex in them which makes them think that they are being neglected by fair sex due to hatred and indifferences. This generates in them a feeling that they are out-caste and their dissatisfactions, revengeful attitude towards women and irritations instigates them to resort to criminal acts in an effort to achieve what they could not otherwise get through legitimate means.

Contribution - The psychiatrist also maintain that criminal behaviour is very much connected to personality of the criminal. There is something uncompromising in the personality of the criminals which compels him to revolt against adjusted norms of the society.

MENTAL ILLNESS AND CRIME

SYNOPSIS:-

- 1) *Introduction*
- 2) *Historical Background*
- 3) *Meaning and Concept*
- 4) *Mental Health and Crime*
- 5) *Types of Mental Disorder*
- 6) *Mental Disorder or Disability Theories of Criminology*
- 7) *Low Grade Intelligence Theory of Criminology*
- 8) *Emotional Disturbance Theory of Criminology Orthopsychiatric or Psychiatric Theory of Criminology*
- 9) *Psychopath Theory of Criminology*
- 10) *McNaughten Rule*
- 11) *Insanity or Unsound Mind under Indian Criminal Law*

1) Introduction:-

Mental health is more than the mere lack of mental disorders. The positive dimension of mental health is stressed in the World Health Organisation's (WHO) definition of health as contained in its constitution.

"Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity".

Mental, physical and social health are closely related to each other. they are considered as the vital stands of life.

2) Historical Background:-

The idea that there is a relationship between mental illness and crime has been prevalent since the early 19th century.

It has however been identified that there are close links between mental illness and crime, and historically this can be traced back to the 1800's when James Hadfield provided the law with a principal case, in which it was recognized that Hadfield had been suffering with paranoid delusions after he attempted to kill King George. The Court stated that 'He being under the influence of insanity at the time the act was committed'.

3) Meaning and Concept:-

Patients who suffer from a psychiatric illness are more likely to be vulnerable in society, due to unemployment social isolation and educational failure. Patients who suffer with acute symptoms will often isolate themselves from the community, therefore detection of accumulative symptoms will become increasingly difficult to identify.

Schizophrenia present itself in varying ways. Irrationality of behaviour is common amongst sufferers, along with disturbances of thought and perception. This can lead to delusional jealousy and the individual may act in a way that makes them violent towards others. Delusions are common amongst sufferers, these delusions may lead a patient to have beliefs that are not generally accepted in society. Consequently, a schizophrenic may act on a belief, it is not unusual for a patient to believe that they are part of a secret service and being watched, therefore the delusions take over and the patient may act irrationally. There is said to be 'a degree of incongruity between thoughts and emotions.

4) Mental Health and Crime:-

The classical concept of health only included physical well-being of the individual, but, with the emergence of various health models, health was said to include Psychological and social well-beings along with physical well-being of the individual. The current concept of mental health includes subjective well-being and perceived self-efficacy. It is the basic ability of an individual to understand oneself, to be able to adjust with societal norms and to be psychologically healthy. Wherein, a healthy individual can be described as an individual who has the ability to recognize his potentials, his abilities to work productively and his capacity to cope with daily life challenges and norms stressors of life of self and the society.

Mental, physical and social health are closely related to each other, they are considered as the vital stands of life.

The growing rate of crime in India and the World is also evident that despite a commendable growth in the medical science there is still something that has been ignored.

Most mental health symptoms have traditionally been divided into groups called either 'neurotic' or 'psychotic' symptoms.

Wherein, 'Neurotic' covers those symptoms which can be regarded as extreme forms of 'normal' emotional experiences such as depression, anxiety or panic. Conditions formerly referred to as 'neuroses' are now more frequently called 'common mental health problems,' although this does not always mean that they are less severe than conditions with psychotic symptoms.

'Psychotic' symptoms which interfere with a person's perception of reality and may include hallucinations, delusions or paranoia, with the person seeing, hearing, smelling, feelings or believing things that no one else does. Psychotic symptoms or 'psychoses' are often associated with 'severe mental health problems.'

Major Psychological disorders which have been found to be associated with different crimes or are directly indicated as a criminal act as per the judicial system of the Indian Constitution.

5) Types of Mental Disorder:-

a) Psychosis:-

'Psychosis' is described as loss of touch with reality, which may include hearing voices that is auditory hallucinations, visual hallucinations (seeing something that no one else sees), holding unusual personally derived beliefs, experiencing changes in perception or assigning personally derived beliefs, experiencing changes in perception or assigning personal meanings to everyday objects.

b) Bipolar Disorder:-

Bipolar Disorder, also known as "manic depression", is associated with severe mood changes that fluctuate from elation, over activity and sometimes psychosis (together known as mania or hypomania) to a lowering of mood and decreased energy and activity (depression).

c) Schizophrenia:-

Schizophrenia refers to a group of symptoms, typically the presence of hallucinations, delusions, disordered thought, and problems with feelings, behavior, motivation and speech.

d) Schizoaffective Disorder:-

Schizoaffective disorder is diagnosed when someone experiences both symptoms of a mood disorder (example, depression) and symptoms of the type experienced with schizophrenia at the same time, or within days of each other. Symptoms usually begin in early adult life like schizophrenia, with men tending to show symptoms earlier than women.

e) Puerperal Psychosis:-

Puerperal psychosis is rare and is found in females, following between about 1 and 2 in 1000 births. The onset is abrupt, usually within days of the birth of their child, mother often starts to behave strangely, seeming puzzled and perplexed, sleeping poorly and being restless and erratic in the day. She may have paranoid delusions that often centre around the child, for example, a belief that the child is the devil, or that the world is too evil for the child to live in.

f) Mood Disorders:-

In these disorders, the fundamental disturbance is a change in mood or affect, unusually to depression (with or without associated anxiety) or to elation. This mood change is normally accompanied by a change in the overall level of activity, and most other symptoms are either secondary to, or easily understood in the context of, such behavior.

g) Cyclothymia:-

Cyclothymia disorder is characterized by alternation of depressive symptoms and hypomanic episodes for at least two years. It is persistent instability of mood, involving numerous periods of mild depression and mild elation.

The mood swings caused are usually perceived by the individual as being unrelated to life events or circumstances.

h) Dysthymia:-

A chronic depression of mood which does not currently fulfill the criteria for recurrent depressive disorder, mild or moderate severity, in terms of either severity or duration of individual episodes, although the criteria for mid depressive episode may have been fulfilled in the past, particularly at the onset of the disorder. The balance between individual phases of mild depression and intervening periods of comparative normality is very variable. Sufferers usually have periods of days or weeks when they describe themselves as well, but most of the time (often for months at time) they feel tired and depressed; everything is an effort and nothing is enjoyed.

i) Anxiety Disorders:-

Anxiety is characterized by a state of unpleasant apprehension and tension in which a person fears some type of future negative experience. Though anxiety is considered as a normal response to threat or danger and part of the usual human experience, but it can become a mental health problem if the response is exaggerated, if it lasts more than three weeks and interferes with daily life. Anxiety is characterized by excessive worry and agitation, often accompanied by physical symptoms such as rapid breathing and a fast heartbeat or hot and cold sweats.

'Stress' though is not considered as a mental health problem in its own right, but long-term stress may be associated with anxiety or depression.

j) Generalised Anxiety Disorder (GAD)

This is diagnosed if a person experiences excessive restlessness and has it on most days for at least six months at one stretch and has experienced extreme tension (increased fatigue, trembling, restlessness, and muscle tension) worry, and feelings of apprehension about everyday problems.

Social phobia is characterized by a persistent fear of being seen negatively or humiliated in society or performance situations. Social phobias are basically characterized by a fear of scrutiny by other people.

k) Obsessive Compulsive Disorder (OCD)

Obsessive compulsive disorder is a common form of anxiety characterized by obsessive thinking and compulsive behavior. Obsessions are generally distressing, and repetitive thoughts which may be seen as irrational, but cannot be ignored. Compulsions generally followed by obsessions are ritual actions which people feel compelled to repeat in order to relieve anxiety or to stop obsessive thoughts.

Phobias, which include panic attacks, are described as a group of disorders in which anxiety is experienced only, or predominantly, in certain well defined situations that are not dangerous but are perceived as dangerous.

l) Post-Traumatic Stress Disorder:-

Post-traumatic stress disorder (PTSD) results and develops witnessing a stressful event or a situation of an exceptionally threatening or catastrophic nature in one's life. It is observed that intentional acts of violence are more likely than natural events or accidents to result in PTSD. PTSD

is characterized by Respondent-experiencing the event in nightmares in flashbacks, avoiding things or places associated with the event, panic attacks, sleep disturbance and poor concentration. Depression, emotional numbing, drug or alcohol abuse and anger are also commonly seen in individuals suffering from PTSD. In children, re-experiencing symptoms may take the form of re-enacting the experience, repetitive play or frightening dreams.

6) Mental Disorder or Disability Theories of Criminology:-

The term 'mental disorder' is sometimes referred to as 'mental deficiency' or mental abnormality', and many psychologists now refer it as 'psychopathology'. These term refers to states of mind which give rise to some form of problem, usually for the individual.

The term 'mental disorder' shows that the mind is in a state of confusion; it is not working properly, i.e. it is suffering from a disease or deficiency.

The term 'mental abnormality' denotes that the state of mind is both uncommon and unpleasant; it shows a negative or bad element.

'Psycho' means the mental element and 'pathology' means illness, the overt symptoms produced by an underlying cause of disease. The main object symptoms produced by an underlying cause of disease. The main object of the psychologist is to treat the underlying pathology or illness.

A normal person is expected to possess sufficient degree of reason to understand the nature and consequences of his acts which he does. On the contrary, there are certain persons who by defect of reasons or due to laboring under any disease of mind commit such an act which is termed as an offence.

One of the problems in understanding the relationship between mental disorder and crime, the differences arising between the two disciplines. Psychiatry determines which behaviours constitute mental disorder, it sees behaviour as a continuum, no one is wholly normal or abnormal. Law defines which behaviours are crimes and therefore to be controlled, it sees behaviour as a dichotomy, criminal or not criminal. Law defines people as responsible for their criminal behaviour (guilty) or not responsible for their behaviour (not guilty by reason of insanity), there is not really a category of partial responsibility, it therefore categories mental disorder in ways which might not be responsible to psychiatrists and psychologists.

The theory of mental defect as a specific explanation of crime includes the following four propositions-

- i) that almost all the criminals are feeble-minded.
- ii) that feeble minded persons commit crimes
- iii) that feeble mindedness is inherited as a unit character in accordance with Mendel's law of heredity
- iv) that a policy of sterilization or segregation of the feeble-minded is the only effective method of preventing crime and of dealing with criminology.

Many studies have attempted to discover whether mental disorder is associated with criminality. Most of these studies have been of people in prison, and ascertain how many prisoner are mentally disordered or ill.

Teplin (1990) noted that recent studies conclude that rates of severe mental illness amongst the prison population range from 4-5 per cent to 12 per cent and that even the most conservative of these is two to three times higher than the comparable rates in the general population.

Mental disorder is generally found either in the form of 'feeble mindedness' or insanity'. Famous criminologist Faris and Durham studied about the relation between social organization and mental disorders.

- i) Those social backgrounds which give birth to criminal behaviour do not affect the mental patients.
- ii) Some mental patients or mentally disordered person do not cause harm to others.
- iii) Some persons take plea of insanity after committing an offence.
- iv) Such criminal and non-criminal persons can be found out by adopting some principles and procedures.

7) Low Grade Intelligence Theory of Criminology

There are two distinct types of mental defects, amentia and dementia 'Amentia' literally means 'lack of mind', and describes a person who is born with a reduced intellect, sometimes known as 'subnormal'. 'Dementia' describes someone who once had a normal intelligence but later lost it through disease, decay or accident. It is 'severe' subnormality'. Subnormality and severe subnormality include people with low intelligence who are considered unable to live an independent life and unable to guard themselves against exploitation which might exist outside a state institute. They are referred to as mental impairment and severe mental impairment.

8) Emotional Disturbance Theory of Criminology Orthopsychiatric or Psychiatric Theory of Criminology

Orthopsychiatry is a new branch of psychiatry. It deals with emotional maladjustments. According to some psychiatrists and social workers, many of the ills of children and adults may be traced to their emotional disturbances and their inability to make the adjustment to new experiences.

If a man is unable to face the realities resulting in mental conflict, it is mental abnormality. The experiences which a man has faced in his life from very childhood may create mental reactions i.e. complexes thereby making it difficult for him, to face adult responsibilities. Extreme poverty, frustrations, insecurity, rejections failure in love, professional failures and economic conditions may create such problems. Suffering from the mental torture, the individual may tend to escape from the intolerable reality and may live in mental fantasy created by him according to his desires.

9) Psychopath Theory of Criminology:-

Psychopathy is a severe personality disorder. Psychopathic disorder is a persistent disorder or disability of mind which results in abnormally aggressive or seriously irresponsible conduct on the part of the person concerned. Psychopathy does not necessarily involve any impairment of the reasoning facilities and psychopaths may be aware of their actions and have a normal interest in themselves and their surroundings.

10) McNaughten Rule:-

An insane person is considered to be incapable of having any criminal interest. In recognizing the defence of insanity, the criminal law is acknowledging that people can suffer defects of reason to a degree which makes it impossible for the law to hold them guilty.

The rules pertaining to the defence of insanity were first laid in 1843 in McNaughten's case (10 Cl & F 200). Daniel McNaughten had murdered one Mr. Drummond, the Private Secretary of Sir Robert Peel. This murder aroused a great deal of excitement of the people. Mr. Daniel McNaughten was acquitted on the ground of insanity at the time of committing the offences. The acquittal provoked widespread dissatisfaction making it a subject of debate in the House of Lords as a result of the debate on the subject asked the opinion of the Judges upon the following five questions:-

- i) What is the effect of law of an insane delusion?
- ii) What is the test of insanity which the jury should apply?
- iii) How should the law be explained to them?
- iv) What is the effect of a partial delusion in the persons otherwise sane?
- v) What type of medical evidence can be given in the trial.?

The Judges expressed their opinion through a statement which embodied the answer of these above mentioned five questions:

- a) Every man is to be presumed to be sane and to possess a sufficient degree of reason to be responsible for his crimes, until the contrary be proved to the satisfaction of the jury, and
- b) that to establish a defence on the ground of insanity, it must be clearly proved.
 - i) that at the time of the committing of the act, the party accused was laboring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing, or if he did not know it.
 - ii) that he did not know he was doing what was wrong.

Thus, the test propounded by the Judges was, "would the accused have done the act with a policeman at his elbow?"

- c) The opinion expressed by the Judges in regard to the question of his knowledge of the wrongfulness of the act was:

If the accused was conscious that the act was done which ought not to be done and if that where a person under an insane delusion as to the existing facts commits an offence as a result of the same, the answer must depend upon the nature of the delusion.

11) Insanity or Unsound Mind under Indian Criminal Law:-

According to Shamsul Huda, "Insanity means and includes both mental derangement and imbecility". The word 'insanity' has not been used anywhere in the Penal Code of Criminal Procedure but the term 'unsoundness of mind' is used.

'Unsound mind' is a general term including lunacy, idiocy, insanity, imbecility, mental incapacity. There are four kinds of persons who may be said to be not of sound mind: i) an idiot; ii) lunatic or mad man; one made non-compose by illness; iv) one who is drunk.

Unsoundness of mind is equivalent to 'insanity'. Insanity means a state of mind in which one or more of the functions of feeling knowing, emotion is performed in an abnormal manner or is not performed at all by reason of some disease of the brain or the nervous system. Insanity includes lunacy, mental derangement, mental disorder, madness and so on.

The plea of insanity as a defence to a criminal charge under the Indian Penal Code. Section 84 of the Penal Code provides that "nothing is an offence which is done by a person who, at the time of doing it, by reason of unsoundness of mind is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law".

The law under Section 84 of the Penal Code provide that if on account of unsoundness of mind of the person doing an act, he at the time of doing it was incapable of.-

- i) knowing the nature of the act, or
- ii) knowing that what he was doing was either wrong or contrary to law, then such an act amounts to an offence.

In order to invoke Section 84 of Penal Code, Court has to consider the following aspects:-

- i) Circumstances which have preceded, attended and followed the crime.
- ii) Whether there was deliberation and preparation for the act.
- iii) Whether it was done in a manner which showed a desire to concealment of consciousness of guilt.
- iv) Whether the accused made any efforts to avoid detection, and
- v) Whether after arrest he offered false excuses or made false statements etc.

In substance, the provisions contained under Section 84 of the Penal Code are the same as laid down by McNaughten Rules. Hence, the law in India is almost the same as in England on how far insanity can be taken as defence to a criminal charge.

3

MODULE - 03

PSYCHOMATRIC TEST-ITS USE IN CRIMINAL BEHAVIOUR

MESUREMENT OF CRIMINAL BEHAVIOUR

SYNOPSIS:-

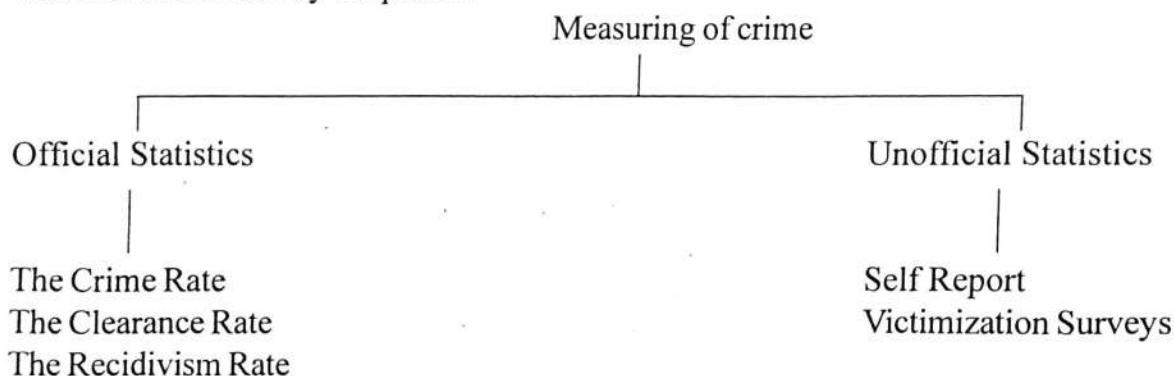
- 1) *Introduction*
- 2) *Measurement of Crime*
- 3) *Unofficial Statistics*
- 4) *Advantages of using self-report studies*
- 5) *Victimization Surveys*
- 6) *Psychological test to measure criminal behaviour*

1) Introduction:-

Measuring crime and criminal behaviour is one of the most important functions of criminology. The availability and computing of crime statistics is a vital component of law enforcement. Crime statistics provide us with important facts that theories must then explain. Measuring crime and finding the crime rate is essential to discover the root causes of crime. The who, when, how of crimes is addressed by the quantitative techniques of measuring crime and which are vital in answering the why of crimes.

2) Measurement of Crime:-

Criminologists have used a wide variety of techniques to measure the quantum and type of crime prevailing in a particular society. Basically there are two kinds of criminal statistics official and unofficial. Official Statistics are collected by official (government) agencies of the criminal justice system such as the police, courts, prosecutors, correctional institutions, parole and probation officers etc. On the other hand, unofficial statistics are obtained by persons not associated with the criminal justice system such as researchers, academician, non-governmental bodies, social welfare agencies etc. More often than not, unofficial statistics endeavor to measure the amount of crime which is undetected by the police.



a) Official Statistics:-

As noted earlier, official statistics constitute crime statistics collected and published by governmental agencies. Every country has a mechanism or system of record of maintaining crime statistics but perhaps the most comprehensive source of official statistics on crime is the Uniform Crime Report (UCR) program of the U.S. federal.

Bureau of investigation. The UCR gives information upon 35 different crimes but gives very detailed information regarding 8 index crimes, viz, homicide, aggravated, assault, forcible rape, robbery, burglary, larceny, motor vehicle theft and arson. The reports are published each year titled crime in the United States and contain information about crimes, date about police officers etc. which are all broken down and tabulated according to major geographic regions.

Official statistics on crimes may be compiled on a myriad of different aspects regarding crime and may throw light upon such diverse aspects such as:

- i) Age of arrestees
- ii) Sex of arrestees
- iii) Social class of arrestees
- iv) Race of arrestees
- v) Relationship between crimes and season/climate
- vi) Regional differences

Official crime statistics are portrayed in different ways, mostly by way of exposition by way of 'rates' of crime, such as:

- i) Crime Rates
- ii) Clearance Rates
- iii) Recidivism Rates
- iv) Conviction Rates

In India, crime statistics are compiled by the Bureau of Police Research and Development (BPR& D) and since 1984 by the National Crime Records Bureau (NCRB). The NCRB categories offences into those covered under the Indian Penal Code (IPC offences) and under the Local and Special Laws (L& SL offences) and all remaining crimes under the category 'others'.

b) Crime Rates:-

A crime rate is defined as a volume of crime in a particular geographical area, over a particular period of time, controlling for the population of that area. This definition can be mathematically expressed as:

$$\text{Crimes known to the police} \\ \text{Total population}$$

$$\text{Crime Rate} = \frac{\text{Crimes known to the police}}{1,00,000}$$

From the above equation, it is clear that crime rate is expressed for every 1,00,000 inhabitants. Thus, if the murder rate is 305, it means there were 305 murders known to the police for every 1,00,000 inhabitants. It does not mean that there were only 305 murders in the area. If the area had a population of 5,00,000 inhabitants then the total of all murders would be:

$$305 \times \frac{5,00,000}{1,00,000} = 1,525$$

Let us understand the issue of crime rates with the help of an example. Suppose we are desirous of finding the crime rate of robbery in a particular city. Assume that there were 400 robberies reported to the police in the whole year. Further assume that the population of the city is 2,00,000 people. The crime rate will now be calculated as under:

$$\text{Crime Rate} = \frac{400}{2,00,000} = \frac{1}{5,000}$$

This signifies that for that particular year there were 200 robberies per 1,00,000 inhabitants. It is just a matter of convention that the figure of 1,00,000 is taken. Crime rate can be computed taking any other larger or smaller arbitrary figure.

Crime rates are important in understanding whether the proportion of crime within a particular jurisdiction is increasing or decreasing.

c) Clearance Rate:-

The clearance rate is the proportion of crimes known to the police that have been cleared or solved by the police. A cleared case signifies 'closing of the file' of that case and which the police will not pursue further. Clearance rates are mathematically expressed as:

$$\text{Clearance Rate} = \frac{\text{Arrests}}{\text{Crimes known to the police}} \times 100\%$$

Clearance rate to an extent measures the effectiveness of the police in solving crimes. It is expressed as a percentage of reported crimes. Thus for example, if the number of crimes known to the police is 400n and 300 arrests have been made, then the clearance rate would be:

$$\frac{300}{400} \times 100 = 75\%$$

This means that 75% of the reported crimes were solved by the police. There are two points which need further elaboration. Firstly, the 'real' clearance rate is often lesser than the clearance rate portrayed by the police if we take into consideration mistaken arrests and willfully arresting a wrong person just to increase the clearance rates.

Secondly, there has been a clear trend under most jurisdiction (in India and abroad) that clearance rates of violent crime (murder, rape, assault etc.) tend to be higher than those of property crimes (theft, house breaking, auto theft etc.). This is not at all surprising, because violent crime normally involves a face to face confrontation between offender and victim and, therefore, the victim is able to give far greater clues to the police than in the case of property crimes, where normally there is no interaction between offender and victim.

d) The Recidivism Rate:-

Recidivism means a relapse into crime. Recidivism signifies a convicted offender falling back into and committing another crime. The recidivism rate calculates the percentage of criminals who commit crimes again. Recidivism rate may be calculated for any crime committed again by a convicted offender or for that particular crime. Recidivism rate can be calculated using the following mathematical equation:

$$\text{Recidivism Rate} = \frac{\text{Number of offenders rearrested}}{\text{Number of convicted offenders}} \times 100$$

Recidivism rates may be calculated taking into consideration a particular quantum of period past. Thus, the number of convicted offenders may be calculated taking into consideration say only the last five years.

Example to calculate recidivism rate of a particular town. Assume that the number of offenders convicted for the crime of house breaking for the last three years is 200. Further, assume that 40 of these offenders were rearrested this year for the same offence. Now the recidivism rate for house braking would be:

$$\frac{40}{200} \times 100$$

A general recidivism rate may be calculated for a particular category of crime. Thus for instance, it is possible to know the rate of recidivism into any crime (not just house breaking). Let assume that in the example cited above apart from 40 rearrested convicted house breakers, 20 more were rearrested for other offences (such as assault, resisting arrest, dealing in stolen property, possessing narcotics etc.). In such a situation, the recidivism rate of house brakers would be:-

$$\frac{40 + 20}{200} \times 100\% = 30\%$$

e) Conviction Rate:-

It is a rather self-evident fact that not all alleged criminals who are prosecuted, end up being convicted for their offence. The conviction rate throws light upon the hiatus between prosecution and conviction and to that extent may be called the 'rate of escape'. It is mathematically calculated as:

$$\text{Conviction Rate} = \frac{\text{Number of offenders convicted}}{\text{Number of offenders prosecuted}} \times 100$$

Thus if 350 out of the 500 prosecuted offenders are convicted, then the rate of conviction is:

$$\frac{350}{500} \times 100 = 70\%$$

f) Limitations of Official Statistics:

Official statistics are statistics concerning only those crimes that are reported to the police or which the police themselves detect. Citizens do not always report crime. This may be due to various reasons such as;

- i) The citizen may be unaware that a crime has been committed. (Example: 'Did I lose my ring or did someone steal it?')
- ii) Fear of repercussions (Example: corruption)
- iii) Families ties (Example: A father may not report his son's theft)
- iv) The crime victim may himself have 'dirty hands' (Example: A smuggler will not report theft of his smuggled gold)
- v) Fear of societal ostracism (Example: A rape victim)

- vi) Apathy (Example: 'It is no use complaining. Nothing will be done about it.'
- vii) Procedural harassment (Example: Who wants to be hassled with all the court cases and time consuming explanations.)
- viii) Offender was unsuccessful
- ix) Victim did not find it important enough to report.
- x) Lack of proof.
- xi) People of developing countries may not report due to sheer illiteracy and a lack of knowledge of their rights.
- xii) Another factor inhibiting reporting is that in a country like India complainants (especially in the rural areas) need to travel long distances to record their complaints.

3) Unofficial Statistics:-

Official statistics delineate facts and figures regarding arrested criminals or what we might call unsuccessful criminals (those who commit a crime and somehow get arrested). However, the quantum of crime that comes to the knowledge of the police is lesser than the actual quantum of crime. A rather fundamental quest of criminologists is to find out the quantum and type of the 'real' crime. It is this 'hidden' crime which is sought to be uncovered by various criminologists, governmental projects, researchers and social welfare organisations.

Finding out the extent and type of the 'hidden' crime is important for the following reasons:-

- i) It throws light upon the differences (if any) that exist between 'successful' and 'unsuccessful' criminals.
- ii) It allows for testing of the various theories of crime.
- iii) We come to know about a larger quantum and a greater variety of criminality. It is impossible to know and compute the 'real' quantum of criminality but unofficial enquiries/statistics take us closer to the real figure.
- iv) Allows us to document patterns in offending and changes in the trends in offending.

Unofficial Statistics depend upon two techniques to gather information upon the 'real' quantum of crime. These techniques are:-

- i) Self-report study.
- ii) Victimization survey.
- iii) Self Report Study:-

Self-report studies are designed to allow participants to reveal information about their violation of the law. A self-report study involves asking persons to report through a confidential questionnaire or an indepth personal or telephonic interview, crimes they may have committed, whether or not the police knew about such crimes.

4) Advantages of using self-report studies:-

- a) Self report studies bring us closer to the 'true' figure of criminality in society.
- b) Self-reports can be used to examine the offence histories of criminals and to identify factors that can predict criminal behaviour patterns.
- c) Self-report questionnaires at times contain items measuring a person's values, attitudes, mind-set and other behaviour. Such data can be used in testing theories and measuring attitudes toward crime.

5) **Victimization Surveys:-**

Unlike official statistics, which depend upon agencies of justice for information, or self-report studies which depend upon criminals to talk about their deeds (or rather, misdeeds), victimization surveys measure the extent of criminal behaviour by focusing on its target – the victims.

The first systematic victimization survey was conducted in the late 1960's by the National Opinion Research Centre at the University of Chicago, which was commissioned by the National Crime Commission. Presently, the United States conducts victimization surveys nationally every six months using facilities and resources of the U.S. Census Bureau. These surveys, known as the National Crime Survey are conducted using a national sample of 60,000 households.

Like self-report studies, victimization surveys also use personal fact-to-face interviews and telephonic interviews. More rarely, self-administered questionnaires may also be used. Victimization surveys may or may not have a time frame of reference. Thus interviews may ask about victimization experience over a particular time period (say 5 years) or ever. The anonymity and confidentiality guarantees surveys very much like self-report studies.

a) **Advantages of Victimization Surveys:-**

- i) Normally, one might expect the victim not to lie for he does not have much to gain by taking about a crime committed upon him in the past. Unlike, self-report studies where there is a considerable amount of under-reporting. Victimization survey normally tend to be more truthful.
- ii) Victimization surveys have been sources of some revealing aspects of our society and criminal behaviour in it.

6) **Psychological test to measure criminal behaviour:-**

Various social, psychological, geographical, biological and economical factors play a role in determining the crimes committed by an individual. The various factors that contribute to the same are listed below:-

1. **Economical:-**

The economical conditions of a nation often trigger or bring down the level of crimes committed. India as a developing country has come a long way since 1947 in every aspect. However, several issues have also come up at an equally fast rate, affecting the overall economy of the country.

- a) **Overpopulation:-** This has been a topic of grave discussions since years now in India leading to several other problems such as unemployment, poverty, illiteracy, etc. Such issues lead people to develop resentment, frustration and aggression towards each other as well as towards the society.
- b) **Poverty:-** One of the biggest pressing issues in India as a developing nation is poverty. With the population ever increasing, the number of people are lacking the basic amenities in life seems to increase at almost the same rate. Unable to meet the mere requirements of life, the level of frustration is significantly high. Poverty also implies illiteracy and unemployment or lack of stable employment in most cases, which further are very strong determinants of crimes.

- c) **Unemployment**:- A direct implication of low economic growth as well as poverty is unemployment. Overpopulation is the leading cause of unemployment, especially in the rural areas of India. The number of jobs available per person is drastically low leading to a part of the rural population moving to the cities in search of jobs rise to more and more crimes due to frustration and aggression.

2. Social:-

Social factors play a big role in India in this context. Being a collectivistic society, the pressures that the individuals experience in the name of ‘values’ and ‘cultures’ is immense regardless of the realization of how time has changed through the decades, the exposure to media, the technological advancement devoid of the mental progress at the same pace. Some of the important components are following.

- a) **Family background**:- It is quite aptly known how everything good as well as bad begins at home. The basic value system in the family plays a big role in the initial years of development of an individual. The economic situation of the family is an equal determinant of how an individual is shaped as a person as she/he grows up. The way the family defines the roles of the members, the core values governing their functioning and thinking processes, the presence/absence of respect of one another are among the few factors that formulate the inner workings of the individual’s mind coming from the respective family. For the families, struggling with their economic issues, the morals and values sometimes take a back seat given their striving to first meet the basic amenities and requirements of life.
- b) **Illiteracy**:- The lack of proper schooling facilities and effective education system is responsible for the low literacy rate in India. Illiteracy directly implies a low quality of life, lack of awareness, rise to assumptions and superstitions etc. These issues are strong driving forces for an individual to commit crimes of all kinds. Psychological issues of depression and the need for power lead to people indulging in immoral and in some cases brutal action against one another. The cities in India recording the lowest literacy rates are also the ones with the highest rates of crime. However, migration of the people from the rural areas to the already densely populated cities, brings this risk to the urban areas leading to high crime rates in the major cities like New Delhi.
- c) **Law enforcement**:- It is well known that many of the people responsible for law enforcement themselves are often hand in glove with the criminals for making some quick gains by underhand means.
- d) **Exposure of Media**:- Media in every form has a vast impact on the population of a country regardless of the age group. This effect is good as well as bad depending upon the selection of the content of the media. The television has a powerful influence especially on the impressionable children and youth. Research studies have shown that children who grew up watching violence depicted on television exhibit aggressive behaviour patterns.

3. Psychological:-

Tensions and conflicts within the individuals get symbolically expressed in the form of crime with a direct relationship with the interaction of both sociological and psychological factors. Some of the major theories explaining the same are as follows:-

- a) **Psychological Theory**:- Freud proposed a three part structure of human personality under psychoanalysis.
 - i) **Id-Pleasure principle**- seeking immediate gratification, the Id represents an individual's unconscious biological drives.
 - ii) **Ego- Reality Principle**-guiding the Id, it takes into consideration the context as well as the consequences.
 - iii) **Super Ego**:- the Conscience, the moral guide of an individual driving the Ego to control the Id and determining the moral standards of right and wrong.
- b) **Behaviour Theory**:- Aggression is learnt and modeled through
 - i) life experiences
 - ii) family members
 - iii) mass media. People are not born with criminal tendencies but environment and experiences of life shape their behaviour over time.
- c) **Cognitive Theory**:- It focuses on mental processes, how people view the world around them and solve problems. How people organise their thoughts about rules results in criminal or non-criminal behaviour. It takes into account stages of moral development assumes criminals do not progress to higher levels because they lack the ability to empathize and are motivated by self-interest. Violent offenders have a tendency to mislead social situations through faulty information processing ability.

CRIMINAL PROFILING

SYNOPSIS:-

- 1) ***Introduction***
- 2) ***Meaning and Concept***
- 3) ***Object of Criminal Profiling***
- 4) ***Steps in Criminal Profiling***
- 5) ***Definition of 'Criminal Profiling'***
- 6) ***History or Origin***
- 7) ***Steps of profile development***
- 8) ***The Pros and Cons of Criminal Profiling***
- 9) ***Cons of Criminal Profiling***
- 10) ***Characteristics that are Considered when Creating a Criminal Profile***
- 11) ***Police Gather Information for Criminal Profiling***
- 12) ***Approaches of Criminal Profiling***

1) Introduction

Criminal profiling is the analysis of a person's psychological and behavioural characteristics, so as to assess whether they are likely to have committed a crime under investigation.

Offender profiling is also known as criminal profiling. Criminal personality profiling, criminological profiling, behavioural profiling, or criminal investigate analysis.

Criminal profiling also known as offender profiling, is best understood as a series of investigative techniques used to determine the characteristics of an unknown criminal offender. Profiling relies on the basic premise that an individual's personality and mannerisms guide their everyday behaviours, including their criminal actions.

2) Meaning and Concept:-

It is a technique by which the probable characteristics of a criminal offender is predicted based on the behaviour exhibited in the commission of crime. Criminal profiling, is an investigative tool used by law enforcement agencies to identify likely suspects (descriptive offender profiling) and analyze patterns that may predict future offences and/or victims (predictive offender profiling). Offender profiling dates back to 1888 and the spree of Jack the Ripper, and the profiling theory describes how profiling will ideally work. Current applications include predictive profiling, sexual assault offender profiling, and case linkage using profiling to identify common factors of offences and to help with suspect identification. It is used to create a psychological portrait of the offender by means of available information on crime.

3) Object of Criminal Profiling:-

Goals of criminal profiling include providing law enforcement with a social and psychological assessment of the offender; providing a "psychological evaluation of belonging found in the possession of the offender". Its aim is to get enough information concerning behaviour, traits, personality, physical characteristics of offender in order to catch him.

4) Steps in Criminal Profiling:-

Steps in profiling include to analyze the criminal act and compare it to similar crimes in the past, an depth analysis of the actual crime scene, considering the victim's background and activities for possible motives and connections, considering other possible motives, and developing a description of the possible offender than can be compared with previous cases. Notable profilers in history include Ernst Gennat, Walter C. Langer, James Brussel, Howard Testen, Robert Keppel, Richard Walter, John Douglas, Robert Ressler, and David Canter.

Offender profiling is a method of identifying the most likely type of person that could have committed a crime based on evidence and information found at the crime scene along with specific characteristics of the crime itself.

Psychological profiling may be described as a method of suspect identification which seeks to identify a person's mental, emotional and personality characteristic.

One type of criminal profiling is referred to as linkage analysis.

5) Definition of 'Criminal Profiling':-

Gerard N. Labuschage Criminal Profiling is defined as, “a form of behavioural analysis that is used to determine the possibility of a series of crimes as having been committed by one offender.”

6) History or Origin:-

In modern criminology, offender profiling is generally considered the “third wave” of investigative science. The first wave was the study of clues, pioneered by Scotland Yard in the 19th Century, the second wave was the study crime itself (frequency studies and the like), and this third wave is the study of the psyche of the criminal.

Profiling techniques existed as early as the Middle Ages, with the inquisitors trying to “profile” heretics. The first offender profile was assembled by detectives of the Metropolitan Police on the personality of Jack the Ripper, a serial killer who had murdered a series of prostitutes in the 1880’s.

7) Steps of profile development:-

The BAU and FBI have provided stages to develop a criminal profile:-

i) Profiling inputs:-

This involves studying all the evidence or any information related to the crime itself, but does not include information on the suspect(s) because this could lead to prejudice in the profile. They take analysis of the four different phases of profiling.

According to *Gregg, O, Mccray*, “the basic premise is that behaviour reflects personality”. In a murder investigation, criminologists are concerned with the four different phases of crime:-

1. Antecedent:- This phase is concerned with the murderer’s premeditation of the act. What plan and motivation did the perpetrator’s have.
2. Method and manner:- This phase examines the consistencies and methods of disposal.
3. Body disposal:- This phase examines the consistencies and methods of disposal.
4. Post-offence behaviour:- This is the interview of the murderer’s response to the investigation and media.

ii) Decision Process Models:-

This stage takes the profiling inputs from stage one and studies them and organizes them into a particular order, in order to find patterns. Details of the crime such as type, the victim, offender’s motivation, and risk of offender being caught are also analyzed at this stage.

iii) Crime Assessment:-

At this stage, the offender’s background, physical characteristics, habits, beliefs, values, and previous behaviours are analyzed based on what was when analyzing the crime scene. The geographical approach is when the patterns are analyzed in regard to timing and location of the crime scene in order to determine where the offender lives and works. Investigative psychology is the approach that focuses on the use of psychological theories of analysis to determine the characteristics of the offender by looking at the present offending behaviour and style of offence. The typological approach looks at specific characteristics of the crime scene to then categorize the offender according to the various ‘typical’ characteristics. The clinical approach to offender profiling is when the understanding of psychiatry and clinical psychology is used to determine whether the offender is suffering from mental illness of various psychological abnormalities.

iv) Investigation:-

It involves applying the profile to the investigation. This can include the use of the predictive profiling. Predictive profiling includes predicting when and where a serial offender might commit his/her next crime, or which of a pool of suspects is most likely to commit an additional offence.

v) Apprehension:-

This final stage looks at how accurate and successful the profile was in catching the offender.

vi) Notable Profilers:-

Throughout the 20th century, there have been many, prominent figures in offender profiling. In 1943, Walter C. Langer developed a profile of Adolf Hitler that hypothesized his response to losing the war. James Brussel was a psychiatrist who created an accurate, profile that led to the capture of New York City's Mad Bomber' in 1956.

8) The Pros and Cons of Criminal Profiling:-**Pros of Profiling:-****1. It provides useful investigative information:-**

If no one was able to see who committed a crime and there is no CCTV available, then the best way to get an idea of who committed crime is to look for available evidence is called criminal profiling. It can even predict where a future unlawful act may take place.

2. It gives investigates some information to work on how little it may be:-

Even with the modern technology today, such as internet tracking and facial recognition, criminals can still escape the network. But by examining the criminal conduct at the crime scene, it would be possible to get an idea of the kind of person who is capable of committing it.

3. It creates a heightened level of victim protection:-

If law enforcement officer knows that an unknown criminal is targeting a particular demographic, then they will be able to warn this group of people and move to protect them from becoming victims of a crime.

4. It is a helpful resource for serious crime:-

Most of the time, criminal profiling occur when there is a homicide and other serious crimes, such as rape and robbery, committed. It performs evaluation of the potential offender's characteristics to develop a profile of an individual who might be the culprit. This resource can help with catching violent offenders, and the existence of profiles has even helped to proactively prevent certain crimes from happening.

5. It identifies personal characteristics to help solve investigations:-

Criminal profiling often includes potential history, age, demographic, marital status and other important details of potential suspects. Though there is no physical description coming from a certain profile in some cases, common criminal traits can allow for an investigation to start.

6. It even requires no physical description to begin investigations:-

Mostly crimes are committed by someone who is living in the locality. Through criminal profiling, it is possible to start investigating individuals within the area who might have committed the crime. Under the assumption of possible guilt, this practice would involve calling in innocent people but it also allows investigators to potentially find the guilty party.

9) Cons of Criminal Profiling:-**1. It profiles based only on educated assumptions:-**

For an offence that is being investigated through criminal profiling, the suspect can just be outside of the profile to get away with it. Law enforcement machinery would be looking within the assumed but wrong profile, instead of one where the real culprit is in.

2. It adds information to a profile that is not based on facts:-

One definitive drawback of criminal profiling is making personal assumptions about the perpetrator. It should be considered that not all bank robbers are living in poverty and not all serial rapists are single. As you can see, including stereotypes can lead to looking for the wrong suspects and excluding those who are guilty from suspicion.

3. It relies on facts about a crime scene that may not actually be facts:-

There are easy assumptions that are made when creating criminal profiles. For example, people steal food because they are hungry and steal money because they are broken. However, this is not always the case. Sometimes people would steal certain things just for fun, while others would do it for the thrill.

4. It is based on consistency:-

Though people tend to be oriented with certain routines, a different situation can cause them to react differently as well. A criminal who does crime on a regular basis would not do the same thing again if he finds out that law enforcement officers are looking for him.

5. Its methods are limited:-

Up to this day there are just seven methods and six scientific approaches that are used in criminal profiling. Individual profiles are created from those base units, and if someone fits outside of these methods, then developing an accurate profile is not possible.

10) Characteristics that are Considered when Creating a Criminal Profile:-

Investigators attempt to "recreate" the suspect using physical evidence such as footprints, fingerprints, or other bodily indicators. They may also consider the facts surrounding the crime to reconstruct the events leading up to the crime.

When creating the criminal profile, police investigators may try to determine the suspect's:-

- a) Age
- b) Gender
- c) Race
- d) Mental or psychological traits
- e) Cultural or religious beliefs
- f) Intelligence quotient (IQ)

11) Police Gather Information for Criminal Profiling:-

The police will usually consider four stages of the crime to gather as much information that they can about a possible suspect. These four stages include:-

- a) Pre-offence behaviour:- Plans or motives the suspect may have had before the crime was committed.
- b) Method:- the manner in which the crime was actually committed.

- c) Concealment of evidence:- If the suspect concealed or disposed of evidence, this can provide clues as to the suspect's identity.
- d) Post-offence conduct:- A suspect may often act differently after committing a crime. These stages of criminal conduct can provide police with valuable information that can lead to identifying the suspect.

12) Approaches of Criminal Profiling:-

There are two different postures to adopt to develop a profile. One is the inductive approach, and the other is the deductive approach. At first they seem to be mutually exclusive, but on a closer examination they share some commonalities.

a) Inductive Criminal Investigative Assessments:-

The inductive approach to profiling rests with a simple premise, an assumption that if certain crimes committed by different people are similar, then the offenders must also share some type of common personality traits. The information gathered comes from past crimes, past known offenders, and other sources of information, including the media.

b) Deductive Criminal Investigation Assessment:-

This method is slightly different. From a thorough analysis of the crime scene and the evidence left at that scene, the profiler is able to construct a mental picture of the unknown offender. As profilers, we know from experience that one of the most vital elements in the analysis of a crime is victimology. Despite a profiler's request that a police agency disclose all known information about the victim, this is the one element that typically lacks adequate information. The more one knows about the victim, the more one knows about the offender. Thus from this perspective the profile is drawn from the physical and nonphysical (love, hate, rage, fear, etc.) evidence.

c) Diagnostic Evaluation (DE) or Clinical Approach:-

Diagnostic Evaluation or Clinical Approach is the oldest approach to offender profiling. It is an approach mainly adopted by psychiatrists and clinical psychologists. Diagnostic evaluation approach looks at offenders from a mental illness point of view and tries to examine crimes and crime scene from that perspective.

d) Criminal Investigative Analysis (CIA)/ FBI Approach or Crime Scene Analysis (CSA):-

The FBI defined 'Criminal Investigative Analysis' as "a process of reviewing crimes from both a behavioural and investigative perspective. It involves reviewing and assessing the facts of a criminal act, interpreting offender behaviour, and interaction with the victim, as exhibited during the commission of the crime, or as displayed in the crime scene". This approach is based on crime scene analysis and involves an examination of the method of operation and other behavioural patterns that can be deducted from the crime scene characteristics.

e) The organised-disorganised profiling typology:-

The organized and disorganized typology is used to classify the murderer's personality, depending on the category of the crime scene.

The difference in organized and disorganized crime scene are usually explained in the form of a psycho-dynamic drive; the dynamic drives are;

1. revenge, and
2. sadistic (Ressler, 1988, Lester, 1995).

The focus of these drives is seen in terms of lasting urges, formed through early life experiences. These experiences are organized especially around conflict.

f) The Disorganized Profiling Typology:-

The disorganized offender is also described as one who shows no forensic awareness, often leaving fingerprints, bloody footprints, semen, and evidence of little or no preparation for the murder by selecting weapons of opportunity.

g) Holmes' profiling approach

Other researchers have developed profiling typologies (Dietz, Hazelwood & Warren, 1990, Keppel & Walter, 1999, Holmes, 1966). For example, Holmes and Holmes (1996) classified serial murderers into four types:-

1. Visionary serial murderers, whose impetus to kill is propelled, by voices they hear or visions they see.
2. Mission serial murderers., Whose impetus to kill, is a need on a conscious level to eradicate a certain group of people.
3. Hedonistic serial murderers, who are labeled as lust or thrill murderers, and whose crimes have sexual overtones to them.
4. Power/control serial murderers, whose impetus to kill are driven by a need for sexual gratification and the complete domination of their victims.

h) Hickey's profiling approach

Hickey's study on serial murderers and their victims is based on data collected on 203 serial murderers of 34 females and 169 males (Hickey, 1991; Hickey, 1997). The dates of the crimes range from 1795 to 1988. Hickey's research focused mainly on victims of serial murderers rather than the offenders' crime scene behaviours (Hickey, 1997). Hickey's study on serial murder is considered to be one of the most important in the literature.

i) The Dietz profiling approach

The purpose of their study was to gather information on personal characteristics and crime scene details common among such murderers. The study found that 93% of the sexual sadists were organized, and suggested that fantasy was the motivational factor behind the murders.

j) Keppel and Walter's profiling approach

Keppel and Walter (1999) proposed a theoretical classification by which sexual murderers' motivations could be profiled. They described four types of sexual murderers.

- i) power-assertive rape murderer.
- ii) power-reassurance rape murderer.
- iii) anger-retaliatory rape murderer, and
- iv) anger-excitation rape murderer (Keppel & Walter (1999)).

4**MODULE - 04****FORENSIC PSYCHOLOGY-CONCEPT AND IMPORTANCE****SYNOPSIS:-**

- 1) *Introduction*
- 2) *Forensic Science*
- 3) *Forensic Psychology*
- 4) *Historical Background*
- 5) *Origins of Forensic Science and Early Methods*
- 6) *Definition of Forensic Psychology*
- 7) *Forensic and Criminal Psychology*
- 8) *Scope of Forensic Psychology*
- 9) *Nature of Forensic Psychology*
- 10) *How Forensic Psychology Began and Flourished*
- 11) *Forensic Psychology from 1970s and Beyond*
- 12) *Role of Forensic Psychology in Court*
- 13) *The Role of Forensics in Solving Crimes*
- 14) *Psychology and the Police*
- 15) *Application of Psychology in Prison*

1) Introduction:-

The word ‘forensic’ is derived from the Latin word ‘forensic’ (forum) which means public. ‘Forensic’ (n) means “an exercise in debate, an argumentative thesis.” Forensic (adj.) means “belonging to courts of judicature or to public discussion and debate; used in legal proceedings, or in public discussions; argumentative, rhetorical, as, forensic eloquence or disputes”. Forensic is used to describe the work of scientists who examine evidence in order to help the police to solve crimes.

‘Forensic’ means the use of knowledge and techniques derived from various sciences, as ballistics and medicine in the investigation of crime.

‘Forensic’ relates to the use of science and technology in the investigation and establishment of facts or evidence in a court of law.

2) Forensic Science:-

Forensic science is the application of science to criminal and civil laws, mainly on the criminal side during criminal investigation, as governed by the legal standards of admissible evidence and criminal procedure.

Forensic scientists collect, preserve, and analyze scientific evidence during the course of an investigation.

3) Forensic Psychology:-

Forensic psychology is the study of psychology and the law. Psychologists interested in this line of applied work may be found working in prisons, jails, rehabilitation centers, police departments, law firms, schools, government agencies, or in private practice, to name a few. They may work directly

with attorneys, defendants, offenders, victims, pupils, families or with patients within the state's corrections or rehabilitation centers. Other psychologists interested in forensic psychology focus on the study of psychology and the law.

Psychologists working in forensic psychology often come from a wide variety of education, training and work experiences. All hold a doctorate degree in a field of psychology.

4) Historical Background:-

The word forensic comes from the Latin term, meaning "of or before the forum". The history of the term originates from Roman times, during which a criminal charge meant presenting the case before a group of public individuals in the forum. Both the person accused of the crime and the accuser would give speeches based on their sides of the story. The case would be decided in favour of the individual with the best argument and delivery. This origin is the source of the two modern usages of the word forensic as a form of legal evidence and as a category of public presentation. In modern use, the term forensics in the place of forensic science can be considered correct, as the term forensic is effectively a synonym for legal or related to courts. However, the term is now so closely associated with the scientific field that many dictionaries include the meaning that equates the word forensics with forensic science.

5) Origin of Forensic Science and Early Methods:-

The ancient world lacked standardized forensic practices, which aided criminals in escaping punishment. Criminal investigations and trials heavily relied on forced confessions and witness testimony. However, ancient sources do contain several accounts of techniques that foreshadow concepts in forensic science that were developed centuries later. The first written account of using medicine and entomology to solve criminal cases is attributed to the book of Xi Yuan Lu (translated as Washing Away of Wrongs), written in China by Song Ci (1235-1264) during the Song Dynasty who was a director of justice, jail and supervision.

a) Development of Forensic Science:-

In 16th century Europe, medical practitioners in army and university settings began to gather information on the cause and manner of death. Ambroise Pare, a French army surgeon, Forunato Fidelis and Paolo Zacchia, laid the foundation of modern pathology by studying changes that occurred in the structure of the body as the result of disease.

b) 20th Century:-

Later, in the 20th Century, several British pathologists, Mikey Rochman, Franics Camps, Sydney Smith and Keith Simpson pioneered new forensic science methods. Alec Jefferys pioneered the use of DNA profiling in forensic science in 1984. He realized the scope of DNA fingerprinting, which uses variations in the genetic code to identify individuals. The method has since become important in forensic science to assist police detective work, and it has also proved useful in resolving paternity and immigration disputes. DNA fingerprinting was first used as a police forensic test.

c) 21st Century:-

In the past decade, documenting forensics scenes has become more efficient. People started using laser scanners, drones and photogrammetry to obtain 3D point clouds of accidents or crime scenes. Reconstruction of an accident scene on a highway using drones involves data acquisition time of only 10-20 minutes and can be performed without shutting down traffic. The results are not just accurate, in centimeters, for measurement to be presented in court but also easy to digitally preserve in the long term.

6) Definition of Forensic Psychology:-

The preferred forensic psychology definition is, 'that branch of applied psychology which is concerned with the collection, examination and presentation of evidence of judicial purposes.'

7) Forensic and Criminal Psychology:-

Criminal behaviour suggests a large number and variety of acts. Andrew and Bonta (1998) suggest four broad definitions of criminal behaviour and the acts and behaviours that fit within these domains. These four areas are legal criminal behaviour or actions that are prohibited by the state and punishable under the law, moral criminal behaviour which refers to actions that violate the norms of religion and morality and are believed to be punishable by a supreme spiritual being, social criminal behaviour which refers to actions that violate the norms of custom and tradition and are punishable by a community and finally psychological criminal behaviour that refers to actions that may be rewarding to the actor but inflict pain or loss on others-it is criminal behaviour that is anti-social behaviour.

8) Scope of Forensic Psychology:-

The application of Forensic Psychology is universally accepted in the field of law to speed up process of booking the criminals and effectively administers Criminal Justice system. It is also applied in psychosomatic subtle changes of body, e.g. brain wave reactions, vibration in vocal cord, changes in pulse rate, blood pressure, respiratory system, etc. Forensic Psychology is being used in criminal cases, matrimonial disputes, citizenship, wills, deed and contract cases, admission to prestigious educational institutions, employment, placement, eluviation, promotion, etc.

This branch deals with the following points:-

- i) The suicidal tendency of persons
- ii) Under which circumstances the accused had committed the crime.
- iii) To study that accused is a real culprit or not.
- iv) The mental disorder (if any) of the accused or the suspects
- v) Quantum of punishment and rehabilitation for the first time offenders or juvenile delinquents
- vi) To study the causes like insanity, dazed malfunctioning of brain due to brain injury, emotionally upset, and drunken state or influence of drug at the time of committing crime.
- vii) To study the treatment of juvenile delinquents in rehabilitation centre.
- viii) To study on the different aspects of statements of victims or witnesses and confession of accused persons.
- ix) To study on the situation to shift the accused to mental hospital after examining the mental condition of accused.

At present Forensic Psychology is engaged in assessing, treating and providing testimonies in several type of Court cases such as custody of child, compensation for workmen, personal injuries, regarding competency and responsibility of accused and in many other fields.

a) Branches of Forensic Psychology:-

According to Barlot and Bartol there are five sub-divisions of Forensic Psychology. They are:-

- a) Police Psychology
- b) Psychology of Crime and Delinquency
- c) Victimology and Victim Service
- d) Legal Psychology; and
- e) Correctional Psychology

b) Forensic Psychology can also be divided into the following divisions:-

- 1) Clinical Forensic Psychology
- 2) Experimental Forensic Consultancy
- 3) Psychologist Consultancy
- 4) Forensic Psychotherapy
- 5) Psycholinguistics or Statistical Forensic Psychology

1) Clinical Forensic Psychology:-

The branch concerned with diagnosing and treating mental disorder is called Clinical Psychology.

The Clinical Forensic Psychology covers the persons in entirety, i.e., it covers persons is rehabilitation of the juvenile(s) and punishment is awarded. This aspect clearly requires the psychologist to play an important role. As stated earlier that in 1909 first Court Clinic was established in U.S.A. by William Healy (first Adult Court Clinic established in 1914). Thereafter several clinics started working who employed psychiatrists who treated criminals. The main object of these psychiatrists was to judge the mental competency of the criminals to commit crime and to fix responsibility.

2) Experimental Forensic Consultancy or Experimental Forensic Psychology:-

The study of mental acts and experiments is called Experimental is called Experimental Psychology. It is helpful in civil in criminal cases.

It means that the experiment is conducted at the site to judge the actual happenings. Sometimes such experiments are conducted in laboratory or at the place where the suspect resides. Experimental Forensic Psychology or Experimental Forensic Consultancy is helpful in identifying the real culprit and can establish the *corpus delicti*. These experiments can also be helpful in deciding whether accused had full responsibility of the crime or not.

3) Psychologist Consultancy:-

It means that a Forensic Psychologist is consulted in legal matters by the defence lawyer, prosecution and Judges, and law enforcement authorities. A Forensic Psychologist can also be consulted in the case of rehabilitation of prisoners. Some questions which may be asked by the above mentioned authorities to a Forensic Psychology are given below:

- i) The Court may ask about potential criminality of the accused or his/her being hazardous to the society or community.
- ii) About the mental condition of accused(s) for releasing on probation.
- iii) About the quantum of punishment and its effect on accused(s).
- iv) Whether to hold in detention or release the accused(s) or prisoner. (SI)

4) Forensic Psychotherapy:-

Forensic Psychotherapy has been used for reforming inmates of jail prisons for dissemination of justice. It helps in assuming about person's statement whether he/she is telling lie or not. Normally it is used to treat offenders particularly juvenile delinquents or first offenders.

Psychotherapy is the treatment of mental disorders and behavioural disturbances using such psychological techniques as support, suggestion, persuasion, reeducation, reassurance and insight in order to alter maladaptive patterns of coping and to encourage personality growth.

5) Psycholinguistics or Statistic Forensic Psychology:-

The study of linguistics as it relates to human behaviour is called psycholinguistics or Statistical Forensic Psychology.

In other words, it means that the complete data about the subject is obtained from family members, friends, class fellows (or classmates) and neighbors.

c) Psychological testing:-

The traditional type of psychological testing means and includes personality evaluation, psychopathology and mental function of the person. This type of testing lays emphasis on objectivity, that is why it has been used in forensic assessment, because in law need for accuracy is supreme.

The tests have been divided as follows:-

d) Personality Inventories:-

Generally a subject is interviewed and his/ her background is evaluated but it has been seen that underlying problem is not located. In such cases psychological testing becomes necessary. Deviant sexual preoccupations and thought disorder has been detected only due to psychological testing. Such type of testing largely depends upon the skill of Psychology.

e) Projective Personality Tests:-

In this method an ambiguous stimuli is shown to the subject and his/her thoughts, wishes, conflicts and feelings will be revealed through responses and reactions. By this method the Psychologist is able to see the inner life of the subject.

f) Rorschach:-

One of the methods for testing personality is Rorschach. In this method a series of 10 inkblots are shown to the subject and the subject has to tell what he/she sees. This method is adopted to personality structure dynamics, presence or absence of thought disorder of the subject.

g) Thematic Apperception Test (TAT):-

Another projective test is called Thematic Apperception Test (TAT). In this method the subject is shown various pictures of every day situation and he/ she is asked to build a story on the basis of these pictures. TAT is helpful knowing relevant psychodynamics.

h) Figure Drawings:-

Figure Drawings method is used for projective test in which subject is asked to make a drawing of house, tree or person of opposite sex and on the basis of its interpretation the psychologist can assess the characteristics of personality and personality traits of the subject. Personality Inventories can be more useful when they are used with clinical findings about the suspects.

i) Intellectual Assessment:-

By this method intellect strength and weakness of the subject is judged and whether the offender could successfully use his/her intellect or strength is also assessed. It is not necessary that the offender should have extra-intelligence. In one case an offender of low range intellect remained undetected for 30 years on the basis of his social comprehension and practical reasoning.

j) Neuropsychological Test:-

It is carried on those suspects who suddenly become violent. If a suspect is violence prone it means that he/she has some neurological impairment.

In some cases (i.e., interview in altered state of consciousness) suspects are interviewed after sodium amytal (monosodium salt of isoamylethylbarbituric acid) is injected in them. This drug makes the suspect uninhibited and the suspect starts talking without thinking about implications of his/ her talk.

k) Hypnosis:-

Hypnosis is another method of psychological therapy. In some cases the suspect, under the influence of hypnotism, confessed to the crime. But in many cases hypnosis has proved unsuccessful.

It is believed that hypnotic and narcoanalytic techniques are helpful only in isolated cases.

l) Experimental Approach:-

In this way experiments are conducted and it has been seen that if it is properly conducted it provides the more convincing evidence.

m) Observation:-

Observation made by psychologist are essential. Provided it should not be biased or one sided and it should cover every aspects of life. No time-limit is provided for such observation but it must reasonably be consistent with the case.

n) Case history study:-

The study of past and present behaviour of suspects towards his/her family, friends and close relatives as well as his/her school/college/university mates or room-partner, office colleague, etc.

9) Nature of Forensic Psychology:-

Psychology is the discipline for studying human behaviour, intention of a person, his/her thought process(es), his/her attitude and behaviour towards his/her fellow beings and the like issues. Forensic Psychology means application of psychology for dissemination of justice within the framework of law.

10) How Forensic Psychology Began and Flourished:-

The first research in forensic psychology explored the psychology of testimony. James McKeen Cattell conducted one of the these early studies in 1893 at Columbia University.

During the World Wars, forensic psychology was largely stagnant. But in the 1940s and 1950s, psychologists began regularly testifying in courts as experts on a range of psychological topics. For instance, in 1954, various psychologists testified in *Brown v. Board of Education*, and played an integral role in the court's decision.

Other interesting events contributed to forensic psychology's development. For instance, in 1917, Lewis Terman was the first psychologist to use mental tests to screen police officers. Later, psychologists would use personally assessments for screening.

In the early 20th Century, psychologists also worked on classifying prisoners. In the 1970s, one psychologists identified 10 types of inmates, categories that were used to assign prisoners to jobs, programs and other placements.

11) Forensic Psychology from 1970s and Beyond:-

Since the 1970s, we have witnessed a literature and research explosion in all areas of forensic psychology. Some 30 years ago. Loh (1981 observed that forensic psychology had "come of age". Most recently, Heilbrun and Brooks (2010) noted that "the field has matured: the recognition of the importance of the foundational science of forensic psychology is stronger and we are closer to identifying best practices across a range of legal contexts that are addressed by forensic psychology reaserach and practice". In 1965, just over 100 English language articles and books related to forensic psychology had been published. By the mid-1970s the numbers were well into the thousands. Professional journals exclusively devoted to forensic psychological research and issues were beginning to emerge in North America. Criminal Justice and Behaviour led the way in 1974, followed by Law and Psychology Review (a journal published by law students and graduate psychology students at the University of Alabama) beginning in 1975, Law and Human Behaviour in 1977, Behavioural Science & the Law in 1982 and Psychology, Public Policy and Law in 1995. Great Britain followed suit with Criminal Behaviour and Mental Health (launched in 1990). Psychology, Crime & Law (1994), the British Psychological Society's Legal and Criminological Psychology (1966), and the Journal of Forensic Psychology Practice (2001). In addition to these, other interdisciplinary scholarly and scientific journals relevant to forensic psychology have emerged in recent years (e.g. Journal of Forensic Sciences, American Journal of Forensic Psychiatry, Journal of Psychiatry and Law).

During the 1970s, interdisciplinary and specialized training in forensic psychology was introduced at the doctoral, master's internship, postdoctoral and continuing education levels.

Another indication of the growth in forensic psychology is professional certification of practitioners in the field, a development that began in the late 1970s.

12) Role of Forensic Psychology in Court:-

Psychology and law are two distinct and different disciplines. Although law needs the help of psychology in solving the Court matter but still there was hesitation on its behalf to accept Psychology for dispensing justice.

a) Family Court:-

Child Custody evaluation, Visitation Risk Assessments, Grandparent, Visitation Evaluation, Mediation of Parental Conflicts about children, Child Abuse Evaluations, Adoption Readiness Evaluations, Development of Family Reunification Plans, and Evaluations to Assess Termination of Parental Rights.

Psychotherapy and Counselling to Families Referred by the Court:-

- a) Parent-child family counseling
- b) Therapeutic supervised visitation
- c) Parenting skills training
- d) Anger management
- e) Divorce adjustment counseling for children and/or adults
- g) Parental communication skills training.

b) Civil Court:-

Personal Injury Evaluations, IME Second Opinion Evaluations Assessment of Emotional Factors in Sexual Harassment and Discrimination. Worker's Compensation Evaluations, Civil Competency Evaluations, and Psychological Autopsies.

In Civil Court cases, psychologists also provide psychotherapy and counseling to individuals for the following problems:

- a) Post Traumatic Stress Disorder.
- b) Anxiety
- c) Depression
- d) Phobias Related to Traumatic Events
- e) Anger Management
- f) Adjustment Counseling following trauma
- g) Couple Counseling regarding the impact of the trauma on the relationship
- h) Desensitization

c) Criminal Court:-

Evaluations of Juveniles accused of criminal acts, Juvenile Presenting Evaluations, Juvenile Probation Evaluations, Juvenile Waiver Evaluations, Evaluating the Credibility of Child Witnesses, Assessment of Juvenile and Adult Sexual Offenders, Competency and Diminished Capacity Evaluations, and Adult Pre-sentencing Evaluations.

Psychologists also provide counselling and psychotherapy services to individuals involved with the Criminal Court.

The issues addressed include:-

- a) Counselling of individuals who violate restraining orders.
- b) Counselling juveniles on probation
- c) Supportive counseling for the victims of crimes
- d) Counselling of individuals awaiting trial
- e) Counselling adults on probation
- f) Anger management skills training for violent offenders
- g) Counselling and psychotherapy for sexual offenders.

13) The Role of Forensics in the investigation of crimes:-

One of the most important aspects of criminal justice is forensic science, or the practice of scientifically examining physical evidence collected from the scene of a crime or a person of interest in a crime. Many people consider forensic science the application of science to law enforcement.

If there are no known witnesses to a crime, sometimes forensic evidence is all prosecutors have to work with. For instance, if human remains are found dumped in a ravine and have decayed to the point where they cannot be recognized, forensic scientists use DNA from the body, examine dental work and even study the skeletal structure to determine who the person was. They use the evidence they have to narrow down possibilities and determine if the person was a male or a female. Sometimes forensic scientists can determine cause of death and if foul play may have been involved.

Two of the most common crimes that are determined in the forensic science lab are drug-related crimes and sex crimes. It is in the crime lab that the chemical make-up of an unidentified substance recovered from a suspect is determined to be cocaine, marijuana or a controlled substance. This is used as evidence in court to prove that a person was in possession of illegal drugs. Forensic toxicology can determine if a person was drunk or high behind the wheel of a car after a fatal accident, or if someone was poisoned to death. DNA evidence recovered from a victim's body can help determine who was responsible for a physical or sexual assault. This evidence is commonly used in court to put sex offenders and child molesters behind bars, and to set innocent people free.

Weapon testing, or ballistics, is another important part of forensic science. Forensic scientists use their knowledge of ammunition and study the impact of a bullet to determine how many shots were fired. Where a shooter was standing when he or she fired, and even if a victim was shot at point blank.

Forensic is also important in identifying the culprits of various cyber crimes. Databases are searched, IP addresses are traced and documents are recovered by computer forensic specialist to determine who was responsible for stealing funds electronically. This evidence is used to prove a suspect's guilt for major white collar crime, such as Ponzi schemes embezzlement and fraud.

The field of forensic psychology also involves training and evaluating police or other law enforcement organizations. In addition, a forensic psychologist may also provide these agencies with criminal profiles and professional opinions regarding a suspect. As a result of those various and important responsibilities, a forensic psychologist often works with numerous law enforcement professions. The professions may work with a Public Defender, the State's Attorney, various law enforcement agencies, juries private attorneys, and judges who preside over a particular legal matter.

The forensic psychologist will observe the client or defendant, in a legal matter, from a different perspective, when compared to a traditional clinical psychologists.

In conclusion, forensic psychologists have many roles to play in the criminal justice system, which are concentrated in three areas, law enforcement, corrections, and the courts. These examples, one for each area, are police psychologists who work in law enforcement agencies, prison psychologists who work in the correctional institutions of our country, and expert witnesses who provide information to the courts. These are several common ethical issues, which intersect into all three areas.

14) Forensic Psychology and the Police:-

Police psychologists play a vital role in the employment and maintenance of police forces. They are often called upon to do pre-employment psychological screening, where they will assess and evaluate the potential new police psychologist may assist with scheduling, educating officers to deal with stress and anger management and assist police officers in dealing with mentally disabled persons. Police psychologists also provide services with critical incidents, excessive force issues, shootings, police suicides and psychological issues, fitness-for-duty evaluations, and with special unit evaluations. Critical incidents are situations involving tragedies and deaths, injuries, and life-threatening situations. This area also includes hostage situations and negotiations, though not all police psychologists are involved directly in hostage negotiations. Police psychologists might also be called upon to provide counselling services for officers as well as their families, which can include family and marital issues, divorce, loss, injury and stress.

Investigative psychology is perhaps the newest area of specialization for forensic psychologists of its perpetrator. Investigative psychology includes broader areas, such as psychological autopsies, geographical profiling and the polygraph. Psychological autopsies more formally called reconstructive psychological evaluations are performed after a person has died and the cause of the deaths is uncertain or equivocal. The psychologist conducting the autopsy tries to reconstruct the victim's behaviour and thought processes leading up to the death. This procedure is often used in cases of apparent but questionable suicide.

Geographical profiling analyzes spatial characteristics of a crime along with behavioural characteristics of a crime along with behavioural characteristics of offenders deducted from the crime scene to yield probabilities residing in a particular location. Geographical profiling is used primarily to solve serial crimes, in which a pattern of offending occurs over time. It is more likely to yield positive results when combined with criminal profiling although we must caution that the scientific status of the final remains in question.

Polygraph-Like profiling is not strictly an investigation techniques in the narrow sense because it is used in a wide variety of criminal and civil context. In law enforcement, it is used primarily in the selection of candidates for law enforcement positions and much less in criminal investigation.

Results from polygraph tests are not admitted into courts to be used against criminal defendants, but they have been allowed in some courts to support a defendants, contention that he or she did not commit the crime. It appears that the polygraph is also being used more extensively in counter-intelligence and by federal agencies than it has been in the past. Like the other techniques, the polygraph has not generated impressive research results with respect to reliability and validity.

In juvenile criminal proceedings, psychologists are used extensively in the assessment of alleged juvenile offenders. Psychologists are an integral part of the assessment of juvenile as part of waiver hearing because the juvenile must be evaluated to establish the presence of psychological problems related to their crime, and the prognosis for treatment, when either requesting or challenging a waiver motion.

In adult criminal court, there are many occasions when a psychological expert can provide valuable information to the court. In child abuse cases, psychological evaluation of the defendant may identify psychological problems underlying the criminal acts, and treatment recommendations are often part of any plea agreements. Additionally, if a young child is the primary witness in a criminal case, psychologists are often asked to testify regarding the reliability of the child witness. In domestic violence cases, restraining order violators may be evaluated to assess impulse control and potential risk for violent behavior. These individuals may also need counseling and psychotherapy services.

Our legal system requires that an individual accused of a crime must be competent to stand trial in order to defend himself/herself. Further, an individual may be competent to stand trial, but may have been sufficient from a psychological disorder at the time the crime was committed. This could prevent an individual from forming intent to commit a crime, and such a situation is called diminished capacity. Finally, even if the individual is competent to stand trial, and was competent when the crime was committed, the presence of a psychological disorder may present a mitigating factor to be considered at sentencing.

15) Application of Psychology in Prison:-

Forensic psychologists work mainly in the prison and probation services to develop intervention techniques and treatment programmes for use with both offenders and people under supervision.

They develop one to one or group treatment programmes to specially address offending behaviour and psychological need, for example, to manage depression, anger or anxiety. Forensic psychologists play a critical role in the assessment of offenders and the provision of support and training for other staff. Research is a further element of their work, as is presenting evidence in court and advising parole boards and mental health tribunals.

Forensic psychologists work not only with prisoners and offenders but also other professionals work not only with prisoners and offenders but also other professionals involved in the judicial and penal systems. Much of the work of a forensic psychologist focuses on therapy in correctional settings where tasks typically involve:-

- i) carrying out one-to-one assessments, often to assess the risk of re-offending (e.g. for lifers being released into the community or sex offenders after a treatment programme) or of suicide, self-harm or other high risk behaviour.
- ii) presenting findings from assessments to a wider staff audience.
- iii) advising prison governors on incidents.
- iv) developing and evaluating the contribution of assessment techniques such as psychometrics;
- v) undertaking research projects to evaluate the contribution of specific service elements, policy initiatives or group programme developments, e.g. exploring probation 'drop-out' rates, investigating the impact of bullying in the prison environment, or evaluating the effectiveness of an anger management group programme.

- vi) participating in delivery or management of nationally recognized cognitive-behavioural group programmes, e.g. enhancement thinking skills, or severe personality disorder and sex offender treatment programmes.
- vii) checking and monitoring treatment groups to ensure standards and quality.
- viii) overseeing the training of prison/probation service staff.
- ix) hostage negotiation.
- x) liaising with and providing consultancy to hospital staff, prison officers, the police, social workers, probation officers, representatives of the judicial and legal systems and university staff.
- xi) attending team and area meetings.

Other tasks include:?

- a) management and administration;
 - b) analyzing local, area and national policy to develop strategies for continuous improvement;
 - c) casework notes and court work, sometimes including attendance and providing expert witness testimony.
-
-

5

MODULE - 05

SOCIOLOGICAL THEORIES CRIME AND SOCIAL STRUCTURE

SOCIAL STRUCTURE THEORY

SYNOPSIS:-

1. *Introduction*
2. *Meaning & Concept*
3. *Contribution of social structure theory*
4. *Three theories explained in Social Structure Theory*
5. *Conclusion*

1. Introduction :-

Social structure theories bring a sociological (rather than biological or psychological) approach to studies of crime and deviance. Instead of focusing solely or primarily on individuals, these theories seek to explain how individuals are situated within and experience larger-scale social institutions such as schools, government, the labor market, cultural industries, and the criminal justice system. Over the years, theorists have proposed mainstream or consensus theories of social structure as well as critical or conflict theories of structure. Social structure theory serve to regulate and socialize individuals to conform to dominant social norms, rewarding some behaviors while penalizing others. In contrast, according to critical social structure theories, social, economic and political power serve as barriers that impede, constrain, or shape what is possible for people in specific societal contexts, largely based on characteristics such as class, ethnicity, gender, or sexuality.

2. Meaning & Concept :-

Social structure theories trace their roots to the work of the French sociologist Emile Durkheim (1858-1917). For Durkheim, crime was a social rather than psychological phenomenon and the product of a specific kind of social order. Specifically, according to Durkheim, a society without shared norms and values will function poorly. Societies are regulated by a conscience collective—that is, shared norms, beliefs, rituals, and customs—that holds their diverse members together, providing a shared worldview or value system that defines acceptable and unacceptable social behaviors. This framework shapes and regulates social interactions. For Durkheim, small-scale societies, such as horticultural or agricultural societies, with a low level of social differentiation and a minimal division of labor, where the majority of society share similar life experiences, exhibit the strongest and most durable conscience collective and, therefore, have the fewest occurrences of crime and deviance. Within industrial capitalist societies, which are characterized by a broad and diverse division of labor, the conscience collective is more difficult to sustain given the great social and cultural differences and the vast disparities in wealth and social opportunity. A breakdown of shared values, increased by a growing division of labor, leads to what Durkheim called anomie, or a condition of normlessness. Anomie results in increased crime, deviance, and suicide rates.

3. Contribution of social structure theory :-

Durkheim's work has informed a range of social structure theories, including the influential work of Robert K. Merton and Albert Cohen. During the 1950s and 1960s, structural theories represented the dominant sociological perspective on crime and deviance. First among these was Merton's "strain theory." According to Merton, individuals in capitalist societies such as the United States share essentially the same cultural goals—namely, wealth, status, and financial success, collectively dubbed the American Dream. These goals are encouraged and reinforced by the major social institutions, such as schools, government, media, and corporations. In turn, culturally preferred and encouraged means to achieve these goals are defined—education, hard work, thrift, and personal sacrifice. These become culturally valued attributes or practices, expressed in notions such as the "work ethic."

4. Three theories explained in Social Structure Theory:-

Within the social structure theories are three subtypes that sociologists and criminologists have identified. These three theories play an important role in criminology, because they help provide a root cause for crime. In identifying a root cause, you also open the door to finding a solution to resolve the problem.

1. Social disorganisation theory:-

The social disorganisation theory directly links crime rates to neighborhood ecological characteristics. This theory places a significant amount of responsibility for criminal behavior upon an individual's residential location. If, for example, someone grows up in a disadvantaged area where delinquency and crime is seen as acceptable, they are more likely to participate in criminal activities.

2. Strain theory:-

Strain theories point to certain strains or stressors as triggers for crime. When placed under strain, the negative emotions of frustration and anger can create pressure within the individual. One way they deal with that increased strain is through crime. They may use crime as a way to get revenge on someone who is causing the pressure, or they may resort to crime to alleviate financial pressure. They also may turn to illicit drugs to help offset some of the pressure.

3. Culture Conflict:-

The theory of culture conflict is linked to the disagreement over differences in values and beliefs. It is based on the idea that different cultures or classes cannot agree on what is acceptable behavior. For example, while the upper and middle classes work to make a living in a legal way, others may use illegal activities, such as selling drugs or stealing, as a way to make a living.

5. Conclusion :-

The study of different theories is important to criminology because it helps explore many aspects of criminal behavior and understand how and why it occurs. Many theories exist and they continue to evolve as more is learned about the criminal mind.

Culture conflict theory is also known as cultural Deviance Theory. This theory suggest that crime is caused due to the clash of values and arises when different social groups have different ideas of acceptable behaviour in 1938 criminologist, Thorsten Sellin wrote a book 'culture conflict' and 'crime' that classified the theory. According to Sellin root cause of crime is based upon various values & beliefs for what is acceptable behaviour. The clash of these values & beliefs result in crime.

According to Sellin there are 2 types of culture conflict, primary conflict and secondary conflict. Primary conflict occurs when the clash involves fundamental culture beliefs secondary conflict involves less fundamental beliefs, secondary conflict exist between middle class and lower class.

SOCIAL DISORGANISATION THEORY

SYNOPSIS:-

1. *Social Disorganisation.*
2. *Characteristics of Social Disorganisation.*
 - a. *Social Disorganisation is a process.*
 - b. *Social Disorganisation is an indication of disruption.*
 - c. *Social Disorganisation is a relative term.*
 - d. *Social Disorganisation is a qualitative term.*
 - e. *Conflict between More and Institutions.*
3. *Types and Forms of Social Disorganisation.*
4. *Causes of Social Disorganisation.*
5. *Lack of value education or value crisis.*
6. *Family Disorganisation.*
7. *Decline of joint family and emergence of changing pattern of family.*
8. *Changing status of women.*
9. *Corruption.*
10. *Cultural factors.*

1. Social Disorganisation:-

Social disorganisation is the symptoms of disrupting, social order. In actual neither can a society be completely organized nor can it be completely disorganized. Complete 'organization' is an utopian outlook and this state may be regard as anti- progress. Different sociologists has defined social disorganisation in different ways.

Thomas and Zaneeki "Social disorganisation is a decrease of the influence of existing social rules of behaviour upon individual members of the group".

R.E.L. Faris:- "Social disorganisation is a disturbance in the patterns and mechanisms of human relations".

Elliott and Merrill has defined Social disorganisation as 'diminishin relationship when they have stated, 'social disorganisation is the process by which the relationships between members of a group are broken or dissolved.

2. Characteristics of Social Disorganisation:-**a. Social Disorganisation is a process:-**

Social Disorganisation is a continuous process and indispensable to bring change. Social phenomena is a continuous social reality. Society in itself is not a stable concept but society is always in flux, and ever changing. Social processes, social institutions, social mores takes new shapes whenever any innovation occurs in society. Any new idea, invention, effects the whole society may it be positive or negative. So the same is with social disorganisation.

b. Social Disorganisation is an indication of disruption:-

Social disorganisation is related with disintegration and disturbance in society. No society in the world can be seen as totally organized society. Developing as well as developed societies are paying a heavy cost of development by the process of disorganisation.

c. Social Disorganisation is a relative term:-

We can understand social disorganisation in the light of social organization and social organization in the light of social disorganisation. Both terms are counter part and single term has no relevance.

d. Social Disorganisation is a qualitative term:-

We can measure the process of social disorganisation with the comparison of social disorganisation, that existing in other countries, then we can say that our society is socially organized or disorganized.

e. Conflict between More and Institutions:-

There is a stress and strife in society. Mores are the governing body of society. When more changes and takes new shape society introduces new ways of acting, thinking, then a strain between old and new, disrupts the whole social order, that results in the form of social disorganisation.

3. Types and Forms of Social Disorganisation:-

According to Elliott and Merrill, these are three types:-

- Individual/personal disorganisation:- Juvenile Delinquency, insanity, prostitution, drunkenness, suicides are forms of personal disorganisation.
- Family disorganisation:- Divorce, illegitimate, venereal diseases.
- Community Disorganisation:- Poverty, unemployment, crime and political corruption, etc.

Calvin F. Schmid has listed some forms of community disorganisation:-

- i) High rate of population morality
- ii) High rates of divorce
- iii) Desertions
- iv) illegitimacy
- v) Dependency
- vi) Delinquency and Criminality
- vii) A disproportionately high rate of males

- viii) Low rate of home ownership
- ix) High rate of suicides
- x) Commercialized vice
- xi) Death from diseases
- xii) Alcoholism

4. Causes of Social Disorganisation:-

Elliott and Merrill emphasized four reasons for social disorganization

- i) Social Processes-Cultural, Political and Economic
- ii) Cultural Lag
- iii) Attitudes and value
- iv) Social Crisis

5. Lack of value education or value crisis:-

Values are the backbone of social system. The ancient education system was based on value education that's reason that in Ancient society, society was more value oriented than modern knowledge society. In modern education system character building and value education has been ignored.

6. Family Disorganisation:-

Disorganisation of family is the factor that leads towards social disorganisation. Psychoanalyst, prominent thinker Freud and Adler have proved that a man behaves in society according to whatever he learns in family.

7. Decline of joint family and emergence of changing pattern of family:-

Major factor responsible for social disorganisation is downfall of joint family system. Traditional joint family system was basis of emotional feeling and security. The changing socio-economic conditions seem to have brought about a considerable change in the structure and the functioning of this institution. According to Linton, growth of industries and the increasing mobility of people weaken or eve destroy joint family patterns. Industrial growth give rise also to occupational and social mobility which shatter the old social pattern and affects the cementing bond of the family and the family changes from consanguinity to conjugality.

8. Changing status of women:-

Changing status of women affected society. There has been a gradual elevation in women's status due to the efforts made by social reformers, legal protection of their rights, the rise in their level of education, their higher marriageable age, and the gradual social awakening, the widening employment opportunities outside the household. Such a change in their status has encouraged them to challenge the elders of the family and also to press their rights for equality and decision making powers. This leads to conflicts and quarrels first within the family, then outside circle. She has acquired a changing role that strains the social values and then leads society towards disorganisation.

9. Corruption:-

Corruption is the root cause of social disorganisation. Forgery, embezzlement of funds, fake currency scam, Satyam Scam, cheating through false advertisements, delivery of defective products, black marketing are the malpractice prevalent in society. Luring cheating and beating are the power show by the corrupt elites. Three M's are governing and dominating the society.

Three M's are:-

- i) Men's Power,
- ii) Muscle Power
- iii) Money Power

10. Cultural factors:-

Culture is the part and parcel of society. Any society cannot survive without culture. Culture confirms the behaviour of individual in society. There are two aspects of culture. Material culture and Non-material culture. Material culture changes rapidly while non-material culture lags behind. The strain between the two creates a disequilibrium such situation plays important role in social disorganisation..

MERTON, ANOMIE AND STRAIN THEORY***SYNOPSIS:-***

- 1) *Introduction*
- 2) *Meaning and Concept of Anomie*
- 3) *Merton: Theory of Anomie*
- 4) *Merton's Typology of Modes of Individual Adaption*
- 5) *Criticism*
- 6) *Durkheim Anomie Theory*

1) Introduction:-

Strains theories propose that there are certain socially generated pressures or forces that drive people to commit crimes. These so called strains are not evenly distributed in society. Rather, they are most severe among the groups with the highest crime rates. Strain theories view crime as a result of the frustration and anger people experience over their inability to achieve legitimate social and financial success.

2) Meaning and Concept of Anomie:-

Anomie is a vital term vaguely defined and generously applied. The literal meaning of the word 'anomie' is normlessness. Durkheim formulated the concept and used it in particular to explain the behaviour which he referred to as anomie suicide. Human beings have unlimited desires, the only control to these being provided by society and public opinion which lose much of their efficacy in times of economic changes and moral stresses and strains. A high rate of both suicide and homicide is to be found in an anomie-ridden society.

Robert K. Merton the other sociologist who based his theory on 'anomie', not only used the concept a bit differently but was also liable to illustrate his theory with concrete American situations and was, therefore, not as abstract as Durkheim in his formulations.

In India this theory is reflected in one very important area of contemporary concern, namely, the use of unfair means in examinations by some students. It is very that those who employ such questionable means are not much concerned with the amount of labour needed to distinguish themselves in the examinations but would like to secure success leading to degrees, the only thing which they think is relevant for evaluating their academic worth and achievement. Not only are unfair means used or attempted to be used but quite often it results in violence against invigilators and destruction of property. The behaviour of the elders in the family, neighbourhood and educational institutions and real or imaginary belief that everyone is corrupt in public life make things more difficult.

3) Merton: Theory of Anomie

Robert Merton adopted Emile Durkheim's (1858-1917) concept of Anomie to conditions in the U.S. society. As initially developed by Durkheim, anomie was a condition of relative normlessness in a society or group. Durkheim viewed an anomie condition as arising when the existing social structure could no longer establish and maintain control over individuals wants and desires.

Merton writing in the mid 1950s believed that two elements of all modern cultures interact to produce potentially anomie conditions-culturally defined goals and socially approved mean for obtaining them. Merton argued that American culture specifically encourages all individuals to attain to goal of acquiring wealth, success and power. However, the socially permissible means of reaching the goals include hard work, honesty, education and deferred gratification. However, in reality the majority of persons who adhere to the societally institutionalized means of hard work, honesty, education and deferred gratification receives little social reward for it unless they also achieve at least a moderate degree of wealth as a result. But the person who achieves wealth, even if it is not by the approved means, still receives the social rewards of prestige and social status. This situation places a severe strain on the institutionalized means, particularly for those persons who cannot achieve wealth through their use.

Those with little formal education and limited resources soon find that they are denied the ability to legally acquire money and other symbols of success. Access to legitimate means is bound by class and status. Thus, those who are locked out of the legitimate opportunity structure develop a strain leading to criminal solutions to the problem of attaining goals.

The strain falls on a wide variety of people in the society, but it tends to be more concentrated among persons in the lower socio-economic class. In this group, the ability to achieve wealth is limited not only by the talents and efforts of the individual, but by the social structure itself. Only the most talented and the most hard-working from this class can ever expect to achieve wealth through the use of institutionalized means. For the majority of persons this possibility is simply not realistic, and, therefore, the strain can be most severe.

According to Merton there are various ways in which an individual can respond to the strain and the resulting anomie, depending on his attitude towards the goals and means. Merton enumerates the responses to the strain as conformity, innovation, ritualism, retreatism and rebellion.

a. Conformity:-

Conformity occurs when a person accepts both the culture's goals and the institutionalized means of achieving it. Such a person strives to achieve wealth through the approved methods (means) and continues to do so whether or not he succeeds. Most members of our society are conformists. If a majority of our society did not practice conformity, the society would cease to exist.

b. Innovation:-

Innovation occurs when an individual accepts the goals of society but rejects or is incapable of using legitimate means to attain them. Most crime is the result of innovation. For example, when people want luxuries but lack money or the ability/talent to achieve it using institutionalized means, they might innovate-they might steal, embezzle, defraud, murder, misrepresent etc. In each of these cases the individual has retained his commitment to the culture goal, but is pursuing it through unapproved means.

c. Ritualism:-

A third possible adaption involves rejecting the possibility of ever achieving wealth, but retaining allegiance to the means/norms of hard work, honesty, education, deferred gratification etc. These people will be disappointed by failure to achieve their goals, since they have abandoned them. These people have achieved a minimum level of success through institutionalized means, but have no real hope of achieving anything more. The fear of losing even this minimum level locks them into their adaption.

d. Retreatism:- Retreatism entails a rejection of both the goals and the means of society. Retreatism involves simply dropping out of the whole game. Those who choose this adaption include psychotics, autists, pariahs, vagrants, vagabonds, tramps, chronic drunkards and drug addicts.**e. Rebellion:-**

This is the last of the possible adoptions to the problem of anomie. A rebellion adaption involves the substitution of alternative sets of goals and means for the accepted ones of society. A revolutionary or a terrorist may wish to promote a radical change in both the goals and the means and may espouse violent means to achieve his radical goals.

4) Merton's Typology of Modes of Individual Adaption:-

	MODES OF ADAPTATION	CUTURE GOALS	INSTITUTIONAL MEANS
1	Conformity	Acceptance	Acceptance
2	Innovation	Acceptance	Rejection
3	Ritualism	Rejection	Acceptance
4	Retreatism	Rejection	Rejection
5	Rebellion	Rejection of prevailing values and substitution of new values	Rejection of prevailing values and substitution of new values.

5) Criticism:-

Merton does not explain why people differ in their choice of behaviour. Why does one person become a mugger, another a rapist whilst another chooses steady job and education? Merton's theory cannot explain why a particular individual in an anomie suspetible situation becomes a criminal while another remains a conformist or why one chooses rebellion and another innovation.

6) Durkheim Anomie Theory

The term 'anomic' was first used in the 19th century by the French sociologist and criminologist, Emile Durkheim in his work. "The Division of Labour in Society". Durkheim viewed 'anomie' as a state of lawlessness existing at times of abrupt social change, and affecting in particular the state of 'normlessness' which exists when the instiable desires of humans are no longer controlled by society. The normlessness results in deviant behaviour. In the transformation of old normative social structures (i.e. mechanical society) into a new normative social structures (organic societies), the groups operating between the individual and the state e.g. local government, Church etc. lose their significance. The relations of the individual with the sate become disorderly for not conforming to the social norms.

Durkheim's main thesis was that crime is associated with breakdown of social norms and rules giving rise to an absence of social control. There are two elements to this: the first is the breakdown of regulations, rules and informal limits, undermining confidence in the social structure; the second is that this structure problem leads to psychological felling of isolation. The overall disorder and disorganiosation, social or personal, shifts behaviour in the direction of crime. Durkheim's contribution is that social forces have effect on individual behaviour.

An unhealthy level of criminality arises in an organic society, where technical and economic advances make the interrelationships more complicated and diverse, and to be the result of the law being inadequate to regulate the interactions of the various parts of that society. The incomplete integration gives rise to anomie, one of the results of which is excessive or unhealthy levels of

criminality. Durkheim used three categories which arise from an unbalanced division of labour. The first was a combination of financial crisis and industrial conflict. The second was rigid and unnatural class divisions, such that the oppressed may rebel. The third and final situation that he mentions is where there is an abnormal division of labour such that workers become alienated from their jobs and become disinterested in them.

After Durkheim, the most famous criminologist who wrote on anomie is an American, Robert K. Merton who focused on social structural reasons for criminality. According to Merton, 'anomie' arises when there is a discrepancy between the cultural goals and the legitimate means of achieving them. It is a form of strain, achieving the goal is powerfully sold but impossible for most, or for sections of a community.

Merton who based his theory on anomie did not emphasise the 'anomie' as the discontinuity between experience and expectation but the anomie, he said, are the values and norms of the society which do not suit an individual, creating confusion in him.

6

MODULE - 06

SUBCULTURAL THEORIES

COHEN'S THEORY OF THE DELINQUENT SUBCULTURE

SYNOPSIS:-

- 1) *Introduction*
- 2) *Theories of Juvenile Gang Delinquency*
- 3) *Meaning and Concept*
- 4) *Cohen's Theory of the delinquent subculture*
- 5) *Juvenile Gang Delinquency Theory*

1) Introduction:-

Albert K. Cohen:- Albert K. Cohen edited some of the papers written by Sutherland. His early works can be described as synthesis of cultural transmission and anomie theories. According to Cohen the question which is crucial is not how the people become the kinds of individuals to commit the crimes but what kind of social structure is that determines the kinds of criminal acts and the mode of distribution of these acts. There is a conflict between the middle and working classes.

2) Theories of Juvenile Gang Delinquency:-

Though poverty and lower-class status do not necessarily lead to delinquency, their influence can directly lead to formation of juvenile gangs. A gang is obviously more dangerous, because the potentiality of doing harm of a number of persons acting for a common goal together is higher than their capacity to do mischief individually. The likelihood of formation of such gangs is higher in areas populated largely by lower class persons compared to neighbourhoods of mixed or predominantly middle class socio-economic status. Frederick M. Thrasher in one of the earlier studies on juvenile delinquency focused attention on the groups to which the delinquents belonged. According to him the delinquent must be dealt with as a member of all the various groups to which he belongs the family neighbourhood, school, religion, occupational group and so on, as well as his gang. Thrasher found more than 1,300 gangs in Chicago and its environs, He reported that the gangs were typically found in what he called "the poverty belt". The characteristics of the "poverty belt", according to his study, were deteriorating neighbourhoods, shifting populations and high mobility. Group delinquency, according to Thrasher, develops in slums out of the acts committed by the gang members to derive excitement from the adventure involved in such acts.

3) Meaning and Concept:-

The children in the middle class are socialized for exercising self-control and postponement of gratification for their intellectual, technical and moral skills to be rewarded later on. These children learn values and ambitions in the public schools. All children are subject to "middle class measuring rod". A lower class child feels himself deprived of these things. The lower class child learns the ethics of reciprocity to help the family and the friends in distress without any individual responsibility for the achievement and skills. The working class child feels himself deprived in the society where the

middle class status values operate and thinks himself and his family having lost something. He is conscious of it and interacts with the other children facing the same problems and they reject all the systems of middle class e.g. school, church, etc. The delinquency is the result of collective protest against the middle class system holding the children of the lower working class in a very low position.

The working class children defy the middle class values which is primary political reaction although these children are from a very small group. They are not to avoid the police action since they lack sophisticated skills. It has been described by Merton as rebellious adaption.

4) Cohen's Theory of the delinquent subculture:-

Albert K. Cohen discerned some sort of peculiar culture among the gang delinquents which he termed as 'delinquent sub-culture'. According to Cohen, a delinquent sub-culture may be defined as "a way of life that has somehow become traditional among certain groups in American society". These groups are the boys' gangs that flourish most conspicuously in the 'delinquency neighbourhoods of our larger American cities'. The reason why such a culture is developed is given by Cohen by saying that the members of the gang share a number of problems. The shared problems of the gang flow from their low status in the community and the expectations from them of typically middle-class behavior like ambition, individual responsibility, talent, asceticism, rationality, courtesy and control of physical aggression. Such a situation, according to Cohen, creates a problem for the lower-class boys since they do not have the advantage of the same socializing process as the middle-class boys whose conduct is regarded as the standard conduct.

According to Cohen delinquency is a culture pattern which has strong solidatory of the gang. The strong sense of solidarity makes the gang members very sensitive to their gangs and they reflect hostile attitude towards others. The gang is not subject to the control or interference of the adults. Cohen has described the acts committed by the gang as a "short run hedonism" without any long term pleasure or financial gain. For the delinquent acts, there is no other purpose or use except the immediate pleasure. The gang is malicious to the middle class and it engages in vandalism and property destruction of middle class.

The delinquency is more in the boys than the girls and that too in the working class group than the middle or upper class group. The conclusions arrived at by Cohen are based on official data but there is a criticism that the police and officials are generally prejudicial to the working class boys. Cohen, however, vehemently says that the working class boys commit more delinquency act frequently. Because of the culture setting of the lower working class, the delinquent behaviours develop among the boys but they deny the fact that delinquency is encouraged by this culture. This stealing, vandalism, habitual truancy and the other negative outlook According Cohen delinquency emerges due to status anxiety in the children and inadequate family supervision to control them. The working class is lacking in values which the middle class imbibes due to media and the school education. It aspires for the democratic pattern for all and weighs every body on the same norms resulting delinquent behaviours.

Cohen postulates a reactive sub-culture and imputes malice to the group but he misses positive nature of the delinquent behavior, truancy from the school, drinking, snatching purse, etc. and other crimes of vandalism which are not because of reaction against the middle class. Thefts are committed for gain and are not without any purpose. Cohen's theory does not apply to cross-culture societies where the crimes are committed not due to status deprivation as a motive of the crime but due to short run hedonism only.

5) Juvenile Gang Delinquency Theory:-

According to Frederick M. Thrasher, juvenile delinquents belong more to lower class i.e., the juveniles in the poverty-belt. The poverty is the cause of delinquency. According to Albert K. Cohen, there is a peculiar culture in America, 'delinquent sub-culture'. The member of this class have some expectations and ambitious because the boys of the class find themselves having not the advantages of the same standard as the boys of the middle-class society. The delinquency may be caused due to family atmosphere, school atmosphere, economic factors, mass communication media etc.

MILLER'S LOWER CLASS GROUP GANG DELINQUENCY**SYNOPSIS:-**

- 1) *Introduction*
- 2) *Meaning and Concept*
- 3) *Characteristics of the Theory*
- 4) *Conclusions*

1) Introduction:-

Miller (1958), also writing about delinquency in the US, disputed that lower working class gang behaviour was some form of counter-culture set against middle-class values. On the contrary, from his observations of gangs, he concluded that they were only acting out in sharper form the established cultural traditions of wider lower class culture.

2) Meaning and Concept:-

Miller explained crime in terms of a distinctive lower-class subculture. He believed that Americans in the lower-class social bracket had developed a subculture which had its own values and traditions separate from those in higher social bracket. These values and way of life were passed on from generation to generation. The values inherent in the lower-class culture actively encouraged lower-class men to commit crime.

3) Characteristics of the Theory:-

This subculture had a range of interests and characteristics of its own which included an appreciation of toughness, smartness and excitement.

1. Toughness:-

This is an expression of masculinity and rejects timidity and weakness. Its manifestation can lead to violence in order to maintain a reputation for toughness.

2. Smartness:-

Such a quality emphasizes the ability to outsmart or 'con' another person. The kind of examples would be conmen and petty thieves.

3. Excitement:-

Here the person is searching for emotional stimulus and excitement. Excitement is found in gambling, sexual adventures and alcohol. All these activities can be obtained during a night out on the town.

The desire to be tough and smart and to seek excitement, carries risk. The result can be physical harm and disruption to one's life.

4) Conclusion:-

Miler believed that delinquency was essentially about the acting out of the focal concerns of lower-class subculture (toughness, smartness etc). Its roots lay in the socialization into a subculture with 'a distinctive tradition, many centuries old with an integrity of its own'.

7

MODULE - 07

CRIME AND SOCIAL PROCESS

EDWIN H. SUTHERLAND
SOCIALISATION AND CRIME-DIFFERENTIAL ASSOCIATION THEORY

SYNOPSIS:-

- 1) *Introduction.*
- 2) *The differential association theory contains the following eight principles.*
- 3) *In a nut-shell.*
- 4) *Three integral elements make up the theory.*

1) Introduction:-

Edwin H. Sutherland (1883-1950) expounded his differential association theory in his book, Criminology published in 1934.

From birth or very soon after-we begin to learn not only to move our torsos, limbs, and tongues, but also how to behave, 'Behaving' in this context, means adopting ways approved by parents, siblings, relatives, neighboring, friends, teachers and significant others, whose reactions are important to us. We adopt the ways approved by people whose reactions are important to us by learning or imitating their ways. Behaviour, whether criminal or non criminal, is, therefore, learnt in our association with society.

2) The differential association theory contains the following eight principles:

- i) Criminal behaviour is learned.
- ii) Criminal behaviour is learned in interaction with other persons in a process of communication.
- iii) The process of learning criminal behaviour involves all the same mechanisms that are involved in any other learning.
- iv) The principle part of the learning of criminal behaviour occurs within intimate personal groups.
- v) Criminal learning include:
 - a) Technical of committing crime: Example the proper way to pick a lock
 - b) The specific direction of the motives, drives, rationalizations and attitudes. Since the reaction to social rules and laws is not uniform across society, people constantly come into contact with others who maintain different views on the utility of obeying the legal code. When definitions of right and wrong are extremely varied, people experience what Sutherland called culture conflict.
- vi) A person becomes delinquent because of an excess of definitions favourable to violations of law over definitions unfavourable to violation of law. This is the crux of the principle of differential association.
- vii) Differential association may vary in frequency, duration, priority and intensity.

viii) Criminal behaviour 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. Thus, the need for money cannot be the cause of theft because non-criminal behaviour (Eg. honest work) also is the result of the same need (money). Thus, Sutherland refutes the attempts by many scholars to explain criminal behaviour by general drives, values, pleasure principle, social status, money motive etc. since they explain lawful behaviour as completely as they explain criminal behaviour.

3) In a nut-shell:-

Sutherland's argument is that criminal behaviour will occur when individuals have acquired enough sentiments in favour of law violation to outweigh their prosocial or anti criminal conduct definitions. People get their sets of prosocial and pro criminal conduct standards through associations with others in their social environment. In general, the contacts or association that have the greatest impact on people are frequent, lengthy, early in point of origin, and most intense or meaningful.

4) Three integral elements make up the theory:-

Differential association, differential social organization and culture conflict. When one analyze the relationships among these three central components, it can be seen that the theory operates on more than one level. The two most overt levels are the individual and the group. The concept of differential association itself is an attempt to explain how an individual becomes criminal, at this level the theory is social psychological. Differential social organization is an attempt to account for the uneven distribution of crime throughout different groups in society. There is a third level, the normative level, which is represented by Sutherland as culture conflict.

RONOLD AKERS: DIFFERENTIAL REINFORCEMENT THEORY

SYNOPSIS:-

- 1) *Introduction*
- 2) *The main focus of his theory*
- 3) *Meaning and concept*
- 4) *Seven propositions of Aker*
- 5) *Elements of Differential reinforcement theory:-*
- 6) *Criticisms to Differential Reinforcement Theory*

1) **Introduction:-**

The roots of the learning perspective can be dated back to the era of Gabriel Tarde (Criminology). He focused his social learning theory based on three laws of imitation. The first two laws were further used by the father of criminology Edwin H. Sutherland in his theory of differential association. The learning perspective was deemed as being too simple and not legitimate enough for the criminology world or sociology. He focused his theory on learning in a social environment. He further dramatized the idea of cultural conflict in his studies. He proposed nine propositions of differential association

2) The main focus of his theory:-

The main point of the theory was to figure out if delinquents or their enabling friends came first. Sutherland's theory (Burgess, Akers 1966)." They re-evaluated Sutherland's theory about differential association using behaviorism. They incorporated the psychological principles of operant conditioning and maintained that even non social effects can reinforce criminal behavior. According to Akers (1985) people are first indoctrinated into deviant behavior by differential association with deviant peers. Then through differential reinforcement, they learn how to reap rewards and avoid punishment in reference to the actual or anticipated consequences of given behavior. The consequences are said to be social and nonsocial reinforcement that further applies to a criminal's future. Ronald Akers further discussed that structure can affect a person's differential reinforcement and that criminal knowledge is gained. Potential criminals often analyze what they can get out of the crime and what their punishment may be after committing the crime. From this analysis the criminal makes their decision. Differential reinforcement may also alter the response which is known as shaping or response differentiation. An example, of a child learning how to speak was used. A child's vocalization is reinforced by the parent. The pattern or schedule of reinforcement is also important because reinforcement can be based on fixed interval, fixed ratio, variable ratio and contingencies.

3) Meaning and concept:-

According to Akers, people learn behaviour from particular conditions, behaviour controlled by stimuli that follow the behaviour. Social behaviour is acquired through direct conditioning and modeling of others behaviour. Behaviour is reinforced when positive rewards are gained or punishment is avoided (negative reinforcement). It is weakened by negative stimuli (punishment) and loss of reward (negative punishment). The crux of the differential reinforcement theory is that criminal behaviour is begun or persists depending on the degree to which it has been rewarded or punished and the rewards or punishments attached to its alternative.

Further, according to Akers, people learn to evaluate their own behavior through interaction with significant others in their lives. This process makes use of such devices as norms, attitudes, values and orientations. The more individuals learn to define their behaviour as good or at least as justified, rather than as undesirable, the more likely they are to engage in it. Behaviour (including criminal behaviour) results when an individual perceives an excess of reinforcements over punishments for certain acts or their alternatives.

For example, it has been observed that in many governmental agencies, bribery and corruption are not punished sufficiently and at times even looked upon as "smart" behaviour. In such a situation the stimuli is one of encouragement and reinforcement of this behaviour, making many others to take-up to it.

Thus, when crime confers status or monetary reward without the accompanying punishment, fear of punishment and infamy the behaviour stands reinforced.

4) Seven prepositions of Aker:-

- i) Criminal behavior is learned according to the principles of operant conditioning. Operant behaviors can involve conditioning, shaping, stimulus control and extinction. Possible environmental consequences to the Law of Operant Behavior. Stimulus control or stimulus discrimination: A child trying to reinforce the word "Daddy" to their real father instead of any random man.
- ii) Criminal behavior is learned both in nonsocial situations or social situations. Reinforcing and discriminative stimulus.
- iii) The principle parts of learning occur in groups. Reference groups and media as reinforcers.
- iv) "The learning of criminal behavior including specific techniques, attitudes and avoidance procedures, is a function of the effective and available reinforcers, and the existing reinforcement contingencies." A schedule of reinforcement. Techniques of committing the crime. Drives, motives, rationalization, and attitudes.
- v) "The specific class of behaviors which are learned and their frequency of occurrence are a function of the reinforcers which are effective and available, and the rules or norms by which these reinforcers are applied." Behavior depends on how reinforcers are applied based on norms.
- vi) Criminal behavior is a function of norms which are discriminative for criminal behavior. A person will become delinquent based on the function of the norms.
- vii) The strength of Criminal behavior depends on the frequency and probability of its reinforcement. The main components include the amount of reinforcement, the frequency of reinforcement, and the probability of reinforcement.

5) Elements of Differential reinforcement theory:-

- i) Differential reinforcement theory, however, can be distinguished from the rational choice perspective
- ii) Rational choice assumes humans are born with an innate capacity for rational decision making,
- iii) The differential reinforcement perspective assumes individuals are born with a blank slate (i.e., tabula rasa) and thus, must be socialized and taught how to behave through various forms of conditioning (e.g., classical and operant conditioning), as well as modeling.
- iv) Differential reinforcement theory is far more deterministic than rational choice theory, in the sense that the former assumes that individuals have virtually no free will/free choice (but rather is based on the definitions, beliefs, rewards, punishments, etc., they are subject to after their previous behaviors), whereas the latter is based almost entirely on the assumption that individuals do indeed have the ability to make their own choices, and tend to make calculated decisions based on the contextual circumstances of a given situation.
- v) Concerned with how behavior is influenced by reinforcements and punishments.

- vi) Assumes that the animal or human being is a proactive player in seeking out rewards, and not just a passive entity that simply receives stimuli.
- vii) Certain behaviors are encouraged through reward (positive reinforcement) or through avoidance of punishment (negative reinforcement).
- viii) Like different types of reinforcement, punishment comes in two forms as well.
- ix) Behavior is discouraged, or weakened, via adverse stimuli (positive punishment) or lack of reward (negative punishment).
- x) A positive punishment would be anything that directly presents negative sensations or feelings.
- xi) A large amount of research has shown that humans learn attitudes and behavior best through a mix of punishments and reinforcements throughout life.
- xii) Studies have clearly shown that rehabilitative programs that appear to work most effectively in reducing recidivism in offenders are those that have many opportunities for rewards, as well as threats for punishments.
- xiii) Illegal behavior is likely to occur, as Burgess and Akers theorized, when its perceived rewards outweigh the potential punishments for not committing such activities.

6) Criticisms to Differential Reinforcement Theory

- i) Reed Adams criticized the theory for incorrectly and incompletely applying the principles of operant condition.
- ii) Noted that the theory does not adequately address the importance of “nonsocial reinforcement.”
- iii) Nonsocial reinforcement can be considered self-reinforcement.
For example, if someone gets enjoyment out of abusing others, then the person can be considered “reinforced” through nonsocial means.
- iv) The most important criticism of differential reinforcement theory is that it appears tautological, which means that the variables and measures used to test its validity are true by definition.
- v) To clarify, studies testing this theory have been divided into four groups of variables/factors: associations, reinforcements, definitions, and modeling.
- vi) Some critics have noted that if individuals who report that they associate with those who offend, are rewarded for offending, believe offending is good, and have seen many of their significant others offend, they will inevitably be more likely to offend.
- vii) However, it has been well argued that such criticisms of tautology are not valid because none of these factors necessarily make offending by the respondent true by definition.
- viii) Differential reinforcement has also been criticized in the same way as differential association theory has in the sense the delinquent associations may take place after criminal activity, rather than before.
- ix) However, Burgess and Akers' model clearly has this area of criticism covered in the sense that differential reinforcement covers what comes after the activity.
- x) Specifically, it addresses the rewards or punishments that follow criminal activity, whether those rewards come from friends, parents, or other members/institutions of society.

NEUTRALIZATION THEORY

SYNOPSIS:-

- 1) **Introduction:-**
- 2) **Elements of Neutralization Theory.**
- 3) **Concept:-**
 - a. **Denial of responsibility.**
 - b. **Denial of injury.**
 - c. **Denial of victims.**
 - d. **Condemnation of the condemners.**
 - e. **Appeal to higher loyalties.**
4. **Criticism to Neutralization Theory.**

1) Introduction:-

The Neutralization Theory consider that people learn the values, attitude and techniques to criminal behaviour through hidden value. It is also consider that most criminals are not always involved with the crime. They actually a drift from one behaviour to another. These development by which a persons drift one behaviour to another is called drifting. Thus, the criminals develop a technique to avoid the feeling of guilt. This drift theory is known as Neturalization theory according to which the delinquent use of justifications to neutralize their deviant behaviour.

2) Elements of Neutralization Theory.

- i) Sykes and Matza argued that most criminals are still partially committed to the dominant social order.
- ii) Youths are not immersed in a subculture that is committed to either extremes of complete conformity or complete nonconformity.
- iii) Rather, these individuals drift between these two extremes:
- iv) The delinquent transiently exists in a limbo between convention and crime, responding in turn to the demands of each, flirting now with one, now the other, but postponing commitment, evading decision. Thus, he [or she] drifts between criminal and conventional action.
- v) While still partially committed to conventional social order, youths can drift into criminal activity and avoid feelings of guilt for these actions by justifying or rationalizing their behavior.
- vi) Why is it called neutralization theory?
- vii) The answer is that people justify and rationalize behavior through “neutralizing” it, or making it appear not so serious.
- viii) In other words, individuals make up situational excuses for behavior that they know is wrong, and they do this to alleviate the guilt they feel for doing such immoral acts.

3) Concept:-

Gresham Sykes and David Matza maintain that most delinquents and criminals hold conventional values and attitudes but master techniques that enable them to neutralize these values and drift back and forth between illegitimate and conventional behaviour. Matza argues that even the most committed criminals and delinquents are not involved in criminality all the time; they also attend schools, family functions and so on. Matza identifies a process, which he calls drift, whereby an individual moves from one extreme of behaviour to another, behaving sometimes in an unconventional, free, or deviant manner, and at other times with constraint and sobriety. Learning techniques of neutralization allows a person to temporarily drift away from conventional behaviour and get involved in criminality. In other words, criminals generally adhere to the rules of society but learn techniques to temporarily release themselves from these moral constraints. These techniques include:

a. Denial of responsibility:-

(Eg. "It wasn't my fault"). This signifies the tendency of offenders to claim that their unlawful acts were simply result of forces beyond their control or were accidents.

b. Denial of injury:-

"They can afford it"). By denying the wrongfulness of an act, criminals are able to rationalize their illegal behaviour.

c. Denial of victims:-

(Eg. "They had it coming"). Here the criminal rationalizes by maintaining that the victim "deserved" it. Thus, many a times homosexuals are brutalized under the rationalization that they "had it coming".

d. Condemnation of the condemners:-

(Eg. "Everyone is crooked anyway"). Here the offender views the world as a corrupt place and views the police, court, prison and society with contempt. They rationalize that police are on the take, teachers show favoritism. Judges are prejudiced and parents vent their frustration on kids. By shifting the blame to others, delinquents are able to repress the feeling that their own acts are wrong.

e. Appeal to higher loyalties:-

(Eg. "I did it for the gang"). Here the criminal argues that his act was done for himself but for the group to which he holds an allegiance. Thus, we have seen that illegal activities by the government agencies may be justified in terms of "national security".

4. Criticism to Neutralization Theory:-

- i) Studies that have attempted to empirically test neutralization theory are, at best, inconclusive.
- ii) Robert Agnew argued that there are essentially two general criticisms of studies that support neutralization theory.

The first challenge is that several researches have improperly measured the acceptance of neutralization techniques.

- Second, researchers have expressed concern that criminals may use techniques of neutralization prior to committing a criminal offense.
- iii) Michael Hindelang's self-report study published in 1970 found that delinquents and non-delinquents had different moral values, a finding that contradicts basic principles of the neutralization approach.
 - iv) Even studies that support Matza's approach have failed to show that neutralization of deviant behaviour precedes the onset of criminality. The validity of Matza's model depends on showing that the neutralization comes first and then comes criminality so far; such data is unavailable.

HIRSCH'S SOCIAL CONTROL OR SOCIAL BOND THEORY

SYNOPSIS:-

- 1) **Control Theories.**
- 2) **Early Control Theories of Human Behavior.**
- 3) **Emile Durkheim's Idea of Collective Conscience.**
- 4) **Freud's Concept of Id and Superego.**
- 5) **Reiss' Control Theory.**
- 6) **Toby's Concept of "Stake in Conformity".**
- 7) **Nye's Control Theory.**
- 8) **Walter Reckless' Containment Theory.**
- 9) **Modern Social Control Theories .**
- 10) **Hirschi's Social Bonding Theory.**
- 11) **Travis Hirschi.**
- 12) **Hirschi Perspective.**
- 13) **Elements of Bond Theory.**

1) Control Theories

- i) Control theories assume that all people would naturally commit crimes if it wasn't for restraints on the selfish tendencies that exist in every individual.
- ii) Control theorists rhetorically ask, "What is it about society, human interaction, and other factors that cause people not to act on their natural impulses."

2) Early Control Theories of Human Behavior

i) Thomas Hobbes

- 1) Hobbes claimed that the natural state of humanity was one of greediness and self-centeredness, which led to a chaotic state of constant warfare among individuals.
- 2) He also theorized that this constant state of chaos creates such fear among many individuals that it resulted in them coming together to rationally develop a pact that would prevent such chaos.

- 3) Hobbes claimed that by creating a society and forming binding contracts (or laws), that this would alleviate the chaos by deterring individuals from violating others' rights.
- 4) Despite such laws, Hobbes doubted that the innately greedy nature of humans would not be completely eliminated.
- 5) The existence of such innate selfishness and aggressiveness was exactly why the use of punishments was necessary; their purpose being to induce fear into the societal members who choose to violate the societal law.
- 6) In a way, Hobbes was perhaps the first deterrence theorist, in the sense that he was the first notable theorist to emphasize the use of punishment to deter individuals from violating the rights of others.

3) Emile Durkheim's Idea of Collective Conscience

- i) Suggested humans have no internal mechanisms to let them know when they are fulfilled.
- ii) To this end, Durkheim coined the terms "automatic spontaneity" and "awakened reflection."
- iii) Automatic spontaneity can be understood with reference to animals' eating habits. Specifically, animals stop eating when they are full and they are content until they are hungry again; they do not start hunting again right after they have filled their stomach with food.
- iv) In contrast, awakened reflection concerns the fact that humans do not have such an internal, regulatory mechanism. That is because people often acquire resources beyond what is immediately required.
- v) Durkheim's "awakened reflection" has become commonly known as greed.
- vi) People tend to favor better conditions and additional fulfillment because we apparently have no biological or psychological mechanism to limit such tendencies.
- vi) The selfish desires of mankind "are unlimited so far as they depend on the individual alone...the more one has, the more one wants."
- vii) Thus, society must step in and provide the "regulative force" that keeps humans from acting too selfishly.
- viii) One of the primary elements of this regulative force is the collective conscience, which is the extent of similarities or likenesses that people share.
- ix) The notion of collective conscience can be seen as an early form of the idea of social bonding.
- x) According to Durkheim, the collective conscience serves many functions in society.
- xi) One such function is the ability to establish rules that control individuals from following their natural tendencies toward selfish behavior.
- xii) Durkheim also believed that crime allows people to unite together in opposition against deviants.

4) Freud's Concept of Id and Superego:-

- i) One of Freud's most essential propositions is that all individuals are born with a tendency toward inherent drives and selfishness due to the "Id" domain of the psyche.
- ii) Another one of Freud's assumptions is that this inherent, selfish tendency must be countered by controls produced from the development of the "Superego."
- iii) The Superego is the domain of the psyche that contains our conscience, is formed through the interactions that occur between a young infant/child and their significant others.

5) Reiss' Control Theory

- i) One of the first control theories.
- ii) Claimed that delinquency was a consequence of weak controls that resulted in weak ego or superego controls among juvenile probationers.
- iii) Reiss assumed that there was no explicit motivation for delinquent activity.
- iv) Rather, he claimed that it would occur in the absence of controls or restraints against such behavior.
- v) Believed the family was the primary source through which deviant predispositions were discouraged.
- vi) A sound family environment would provide for an individual's needs and the essential emotional bonds that are so important in socializing individuals.
- vii) In addition, he claimed that individuals must be closely monitored for delinquent behavior and adequately disciplined when they break the rules.
- viii) Personal factors, such as the ability to restrain one's impulses and delay gratification were also important.
- ix) Although the direct tests of Reiss' theory have only provided partial support for it, Reiss' influence is apparent in many contemporary criminological theories.

6) Toby's Concept of "Stake in Conformity"

- i) Claimed that individuals were more inclined to act on their natural inclinations when the controls on them were weak.
- ii) He emphasized the concept of a stake in conformity that supposedly prevents most people from committing crime.
- iii) The stake in conformity Toby was referring to is the extent to which individuals have investments in conventional society.
- iv) Studies have shown that stake in conformity is one of the most influential factors in individuals' decisions to offend.
For example, individuals who have nothing to lose are much more likely to take risks and violate others' rights than those who have relatively more invested in social institutions.
- v) One distinguishing feature of Toby's theory is his emphasis on peer influences in terms of both motivating and inhibiting antisocial behavior depending on whether most of their peers have low or high stakes in conformity.

- vi) Toby's stake in conformity has been used effectively in subsequent control theories of crime.

7) Nye's Control Theory:-

- i) Claimed that there was no significant positive force that caused delinquency, because such antisocial tendencies are universal and would be found in virtually everyone if not for certain controls usually found in the home.
- ii) Three Primary Components of Control.
- iii) Internal Control
- iv) Formed through social interaction.
- v) This socialization assists in the development of a conscience.
- vi) If individuals are not given adequate resources and care, they will follow their natural tendencies toward doing what was necessary to protect their interests.
- vii) Direct Control
- viii) Consists of a wide range of constraints on individual propensities to commit deviant acts.
- ix) Includes numerous types of sanctions, such as jail and ridicule, and the restriction of one's chances to commit criminal activity.
- x) Indirect Control
- xi) Occurs when individuals are strongly attached to their early care-givers.
- xii) Nye suggested that when the needs of an individual are not met by their care-givers, inappropriate behavior can result.
- xiii) He argued that either no controls (i.e., complete freedom) or too much control (i.e., no freedom at all) would predict the most chronic delinquency.
- xiv) Instead, he believed that a healthy balance of freedom and parental control was the best strategy for inhibiting criminal behavior.
- xv) Some recent research supports Nye's prediction.

8) Walter Reckless' Containment Theory

- i) Emphasizes both inner containment and outer containment, which can be viewed as internal and external controls.
- ii) Identified predictive factors that push and/or pull individuals toward antisocial behavior.
- iii) Individuals can be pushed into delinquency by their social environment, such as by a lack of opportunities for education or employment.
- iv) Furthermore, he pointed out some individual factors, such as brain disorders or risk-taking personalities, could push some people to commit criminal behavior.
- v) Some individuals can be pulled into criminal activity by hanging out with delinquent peers, watching too much violence on television, and so on.
- vi) Containment theory proposes that extra pushes and pulls can motivate people to commit crime.
- vii) Pushes and pulls toward criminal behavior could be enough to force individuals into criminal activity unless they are sufficiently contained or controlled.

- viii) Such containment should be both internal and external.
- ix) By inner containment, he meant building a person's sense of self.
- x) This would help the person resist the temptations of criminal activity. With respect to outer containment, Reckless claimed that social organizations, such as school, church, and other institutions, are essential in building bonds that inhibit individuals from being pushed or pulled into criminal activity.
- xi) Some studies have shown more general support for containment theory; other studies have shown that some of the components of the theory, such as internalization of rules, seem to have much more support in accounting for variation in delinquency than other factors, such as self-perception.
- xii) Some studies have noted weaker support for Reckless' theory among minorities and females.
- xiii) One of the problems with containment theory is that it does not go far enough toward specifying the factors that are important in predicting criminality.

9) Modern Social Control Theories:-

Matza's Drift Theory:-

- i) Individuals offend at certain times in their life when social controls, such as parental supervision, employment, and family ties are weakened.
- ii) In developing his theory, Matza criticized earlier theories and their tendency to predict too much crime.
- iii) Matza claimed that there is a degree of determinism (i.e., Positive school) in human behavior, but also a significant amount of free will (i.e., Classical school).
- iv) He called this perspective "soft determinism," which is the gray area between free will and determinism.
- v) The time in which social controls are most weakened for the majority of individuals is during the teenage years.
- vi) This is very consistent with the well-known age-crime relationship; most individuals who are arrested are in their teenage years.
- vii) Once sufficient ties are developed, people tend to mature out of criminal lifestyles.
- viii) When supervision is absent and ties are minimal, the majority of individuals are the most "free" to do what they want.
- ix) It is during these times that people have few ties and obligations that they will "drift" in and out of delinquency.
- x) Matza insisted that "drifting" is not the same as a commitment to a life of crime.
- xi) Instead, it is "experimenting" with questionable behavior and then rationalizing it.
- xii) Individuals do not reject the conventional normative structure.
- xiii) Much offending is based on neutralizing or adhering to subterranean values that they have been socialized to use as a means of circumventing conventional values.
- xiv) This is basically the same as asserting one's independence, which tends to occur with a vengeance during the teenage years.

- xv) In many contexts (such as business), risk-taking and aggressiveness are seen as desirable characteristics, so many individuals are influenced by such subterranean values.
- xiv) This, according to Matza, adds to individuals' likelihood for "drifting" into crime and delinquency.
- xv) Empirical research examining the theory has been mixed.
- xvi) One of the primary criticisms of Matza's theory is that the theory does not explain the most chronic offenders, the people who are responsible for the vast majority of the serious, violent crimes.
- xvii) Despite its shortcomings, Matza's Drift theory does appear to explain why many people offend exclusively during their teenage and young adult years, but then grow out of it.
- xviii) The theory is highly consistent with several of the ideas presented by control theorists, including the assumption that (1) selfish tendencies are universal, (2) these tendencies are inhibited by socialization and social controls, and (3) the selfish tendencies appear at times when controls are weakest.

10) Hirschi's Social Bond Theory:-

- i) Perhaps the most influential social control theory.
- ii) Hirschi's theory of social bond takes an assumption from Durkheim that "we are all animals, and thus naturally capable of committing criminal acts."
- iii) However, as Hirschi acknowledged, most humans can be adequately socialized to become tightly bonded to conventional entities, such as families, schools, communities, and the like.
- iv) The stronger a person is bonded to conventional society, the less prone to engaging in crime he or she will be.
- v) More specifically, the stronger the social bond, the less likely that an individual will commit criminal offenses.

11) Travis Hirschi

- a) Author of the social bond theory.
- b) Hirschi was born in 1935 and graduated from University of Arizona.
- c) His theories integrated different theories and attempted to disprove the consistencies of other theories.
- d) His theories show little interest in race, gender, and class.

12) Hirschi Perspective:-

A) Benefit:-

- a) People feels something they like.
- b) People are motivated to acquire wants.
- c) People assert a desired level of control
- d) People have an attraction to illegal temptations.

B) Consequences:-

- a) People feel or would feel something they don't like.
- b) The cost of acquiring the want is severe.
- c) Social control strength affects criminal activity.
- d) Social Bonds control the attraction to illegal temptations and ensure conformity.
(Hancock, 2004)

13) Elements of Bond Theory:-**a) Attachment:-**

Consist of affectionate bonds between an individual and his or her significant others.

b) Commitment:-

- i) The investment a person has in conventional society.
- ii) This has been explained as one's "stake in conformity," or what is at risk of being lost if one gets caught committing a crime.

c) Involvement:-

- i) The time spent in conventional activities.
- ii) The assumption is that time spent in constructive activities will reduce time devoted to illegal behaviors.

d) Belief:-

- i) Has generally been interpreted as moral beliefs concerning the laws and rules of society.
- ii) This is one of the most examined, and consistently supported, aspects of the social bond.
- iii) Hirschi's theory has been tested by numerous researchers and has, for the most part, been supported.
- iv) However, one **criticism** is that the components of the social bond may only predict criminality if they are defined in a certain way.
For example, with respect to the "involvement" element of the bond, studies have shown that not all conventional activities are equal when it comes to preventing delinquency.
- v) It appears that only academic or religious activities seem to have consistent effects on inhibiting delinquency.
- vi) Another major **criticism** of Hirschi's theory is that the effects of "attachments" on crime depends on who one is attached to.

BECKER'S LABELLING THEORY

SYNOPSIS:-

1. *Origin and Development.*
2. *The Concept.*
3. *Following could be the consequences of labeling.*
4. *Interactionist Theory of Criminology (Modern Labelling Theory of Crime).*

1. Origin and Development:-

The major formulations of this perspective are based on the writings of Edwin Lemert, although similar ideas had been expressed earlier by others particularly, Mead, Tannenbaum and Schutz.

The more recent contributors to the literature on labeling are Becker, Garfinkel, Goffman, Scheff, Kai Erikson, Kisuse and Schur.

2. The Concept:-

The labeling theory propagates that people are portrayed as becoming deviant and criminal when significant others teachers, parents, neighbours, police, friends etc. label them as such. Thus, this theory seems to place the blame for criminal career formation on the agencies of social control operating in society. The interactionist school views negative labels, such as ‘unstable’ “addict”, “dummy”, “criminal”, “ex-con”, “deviant” etc. as causing permanent harm to the people on whom they are bestowed.

3. Following could be the consequences of labeling:-

- i) Loss of confidence in one's ability (Eg. “dummy”)
- ii) Loss of self-esteem. Juvenile “delinquents” many a times find that their parents consider them a negative influence on younger brothers and sisters.
- iii) Adults who have been given official labels, such as “criminal”, “ex-con”, “mental patient” or “addict”, may find their eligibility severely restricted.
- iv) Labeling brings with it covert or overt social ostracism. In the end, a labeled person may find himself turning to other similarly labeled persons for support.
- v) The labeled person may find themselves isolated from conventional society. Thereafter, they may identify themselves as members of a outcast group. They may begin to believe and internalize it that really are evil or bad.
- vi) Labels are believed to produce stigma. This might force the labeled person into criminal roles because of public stereotypes about criminals.

The mass media of communication often treat crime as entertainment rather than as a social problem or a subject for public information thus diluting the fact that it has to be viewed seriously.

4) Interactionist Theory of Criminology (Modern Labelling Theory of Crime):-

Edwin M. Lemert in his work 'Social Pathology' published in 1951 described two types of deviations-primary and secondary. There are various reasons of primary deviations which arise in many contexts. The primary deviants will not consider themselves as deviants, whereas the secondary deviants accept their deviance status. Primary deviance arises out of biological, psychological or sociological reasons while the secondary deviance will be caused by social reactions to primary deviance and social reaction plays a vital role in determining these deviant types. The deviations if rationalized or dealt with as functions of socially accepted role are primary or symptomatic or situational but when deviant behaviours are started to be employed as a role based upon it as a means to defend, attack or adjust the overt and covert problems which are created by the reaction of society to the behaviour, the deviations are secondary.

According to this theory, societies create crime by enacting laws and therefore the substantive nature of such laws should be the primary object of the study of criminology.

According to Howard Becker (1963 and 1973) deviance and crime are the creations of social groups because they label certain behaviours as deviant or criminal. Some criminologists have termed this as 'social reaction theory crime'. This approach is distinct from the idea that there is something in an individual which makes him a deviant or non-deviant. A man is deviant or criminal because a label of being so is attached to those who successfully commit or are said to have committed a deviant act and the rest of the society divided into several groups.

Becker recognized the following four steps of citizens based on their behaviour, namely:-

- i) those who are rule abiding or free of labels or conforming citizens;
- ii) those who are falsely implicated into any crime, without there being any breaking of law;
- iii) those who exhibit law breaking behaviour and are labeled as pure deviants; and
- iv) those who break law yet avoid labeling; and are also called as secret deviants.

The person who feel dangers with certain kinds of acts and are in power and organization to do something, label those acts as crimes which the others are unable to resist. The persons who are powerless are victims of labeling. The important effect of labeling is on the labelled and label-less. In order to be effective, the persons labelled and the other critical of labeling must accept the power of label-less. The labelists (those who study the crime in labeling approach) are sympathetic to the person labelled because they study deviants' social world

To label a child as a delinquent results in negative effect on the person concerned. The individual concerned does not only become criminal in the eyes of the society, the authorities and the courts but in his own eyes he becomes so. As a matter of defence or attack on those who label him so, he begins to adopt more delinquent role which leads him towards a career of delinquency which is a secondary deviation.

SELF-CONTROL AND SELF-ESTEEM AS RELATED TO CRIME

SELF-CONTROL THEORY

SYNOPSIS:-

1. *Introduction*
2. *Historical Background*
3. *Meaning and Concept*
4. *Features of the Theory*

1. Introduction:-

The general theory of crime, also known as self-control theory, emerged through the evolution of social control theory. Just as Hirschi had built upon previous control theories with his introduction of social control theory, Gottfredson and Hirschi further developed their conception of the causes of crime and encapsulated it within a new theory: the general theory of crime. While control theory emphasizes the importance of social bonds as an insulating factor against criminal involvement, the general theory of crime posits that low self-control is a key factor underlying criminality. This newer control theory is often referred to as self-control theory due to its focus on this aspect.

2. Historical Background:-

Gottfredson and Hirschi integrated aspects of other theories to form the general theory of crime, borrowing notions from routine activities theory, rational choice theory, and other psychological and biologically based social theories of crime. The two theories differ in what is believed to be the fundamental propensity towards crime; however, both theories are centred around aspects developed in childhood through effective parenting. Like other control theories, the general theory of crime places significant weight on this early developmental process as setting the stage for later life.

Gottfredson and Hirschi shifted their focus away from an emphasis on the role of social control as protecting people from participating in criminal activities towards the conception that self-control, or lack thereof, could be used to explain criminal behaviour.

3. Meaning and Concept:-

For Gottfredson and Hirschi, crime is thought to occur through the following process: "(1) an impulsive personality to (2) lack of self-control to (3) the withering of social bonds to (4) the opportunity to commit crime and delinquency to (5) deviant behaviour" (Siegel and McCormick, 2006: 286).

4. Features of the Theory:-

According to the general theory of crime, crime is seen as a means of obtaining immediate gratification, and the ability to delay such short-term desires is linked to self-control. As such, those with a propensity for criminal involvement are thought to lack sufficient self-control. This lack of self-control is traced back to childhood where, the theorists suggest, the initial indications of deviant behaviour emerge. For those with limited self-control, participation in deviant behaviour only continues throughout the life course.

Self-control is obtained during early childhood and does not necessarily change with time, the theory does propose that rates of offending decline with age, even for those who have lower levels of self-control.

As the general theory of crime focuses exclusively on the role that self-control plays in criminality, research has also focused on the relationship between self-control and a propensity for criminal behaviour. Other factors believed to be related to self-control have also been assessed.

SELF ESTEEM

SYNOPSIS:-

1. *Introduction*
2. *Historical background*
3. *Meaning and concept*
4. *The Rosenberg Scale*
5. *As an Enduring Characteristic*
6. *As a Basic Competency*
7. *As an Essential Human Trait*

1. Introduction:-

Theories of self-esteem usually focus on determining what measurable things impact or shape a person's ideas about individual self worth. Some approaches claim that self-esteem is a direct product of a person's upbringing, particularly during the adolescent years, while others try to identify how self-esteem impacts relationships and how it can predict later outcomes in interpersonal situations.

2. Historical background:-

The Rosenberg Self-Esteem Scale (RSES), developed in the 1960s, is one of the most popular formalized rubrics and is based on assumptions that self-esteem is a direct outcome of various social and personal experiences, including but not limited to race, socioeconomic background, and family history. Most other theories are less formalized, but still try to do more or less the same thing: namely, figure out where self-esteem comes from and what impacts it.

3. Meaning and concept:-

Self-esteem is generally understood to be a person's overall sense of his or her own personal worth, and is usually thought to shape both how a person sees him or herself specifically as well as how he or she conceptualizes a broader place in society and the world at large. The terms "self-worth," "self-regard," "self-integrity" and other variations are commonly used interchangeably with "self-esteem" in this context. No matter what it's called, it often impacts how willing people are to take risks in their careers and personal relationships, and is frequently also related to overall happiness.

4. The Rosenberg Scale:-

The Rosenberg Self-Esteem Scale (RSES) is one of the most widely used tools when it comes to evaluating a person's level of self-esteem. It's presented as a questionnaire with 10 multiple-choice questions and can be used as a crude indicator of how a person feels about him or herself. The rubric was designed by American psychologist Morris Rosenberg and is based largely on Rosenberg's own scholarly theories of self-esteem: namely that it's both an outcome of social forces and a variable that can change based on subjective traits.

5. As an Enduring Characteristic:-

Many psychologists regard self-esteem as an enduring characteristic, for instance. This basically means that it is a generally static state, however short-term it might be. According to this theory, several factors can play roles in a person's momentary self-esteem, and overall self-image can evolve as a person's perspectives or characteristics change.

6. As a Basic Competency:-

Other psychologists believe that self-esteem is more competency-based and comes from being able to cope with life's challenges and considering oneself worth of being happy.

7. As an Essential Human Trait:-

Another popular teaching holds that the ability to develop a healthy, positive image of oneself and others is inherently human. Scholars in this school of thought commonly suggest that all humans are born with a baseline self-esteem that is at a naturally high level.

08

QUESTION PAPER

LLB
Feb 2019 (2017 Pattern)

Time: 3 Hours**[Max Marks: 80]****Instructions to the candidates;**

- 1) All questions are compulsory. 2) Figures to the right indicate full marks.

PART-A

- Q1) Answer the following questions in detail (Any Two): [2 x 20 = 40]**
- Explain Socialization and Crime with reference to Differential Reinforcement Theory. How does it differ from Differential Association Theory.
 - Examine various Psychometric tests to measure criminal behaviour.
 - Critically evaluate various schools of Criminology. Which school is more appropriate according to you? Give reasons.
 - Define Criminal Behaviour. Discuss Psychodynamics of criminal behaviour. How far Mental Illness and Human Aggression are relevant in crime.

PART-B

- Q 2) Answer the following questions (Any Two): [2 x 15 = 30]**
- Explain and evaluate Hirschi's Social Control Theory.
 - What do you mean by forensic psychology? Trace the origin and development of forensic psychology in India and abroad.
 - Explain Cohen's Theory of Delinquent Subculture. Discuss its strength and weakness.
 - Attempt the following:
 - Social Structure Theory.
 - Becker's Labelling Theory.

PART-C

- Q 3) Write Short Notes on the following: (Any Two) [2 X 5 = 10]**
- Psychological v/s. Psycho-analytical approach to crime.
 - Application of psychology in prison.
 - Psychology and the police.
 - Self-Control and Self Esteem as related to crime.

June 2019 (2017 Pattern)

Time: 3 Hours**[Max Marks: 80]****Instructions to the candidates;**

- 1) All questions are compulsory. 2) Figures to the right indicate full marks.

PART-A

- Q1) Answer the following questions in detail (Any Two)**
- Explain "Socialization and Crime" with special reference to Differential Association Theory.
 - What is Criminology? Discuss the positivist approach of Cesare Lombroso.
 - Critically evaluate the Cohen's theory of Delinquent Subculture. How far it differs from Miller's lower class gang delinquency theory?
 - Discuss meaning, purpose and scope of Criminal Psychology. Compare Psychological approach with psycho-analytical approach to crime.

PART-B

- Q 2) Answer the following questions (Any Two) [30]**
- Define Psychometric Test. Discuss how it can be used in Criminal behaviour.
 - State and explain meaning and scope of Forensic Psychology. Discuss its application in court.
 - Explain and distinguish between Hirsch's Social Control theory and Differential Reinforcement theory.
 - "Poor people are more likely to commit crimes because they are unable to achieve monetary or social success in any other way" Discuss the Social Disorganisation Theory in the light of given statement.

PART-C

- Q 3) Write short notes on the following: (Any Two) [10]**
- Social structure theory.
 - Role of forensic psychology in the investigation of crime.
 - Human aggression and violence to crime.
 - Enrico Ferri

LL.B. (Semester - I)
First Year of Three Year Law Course (2017 Pattern)

Time :3 Hours] [Max. Marks :80

Instructions to the candidates:

- 1) All questions are compulsory. 2) Figures to the right indicate full marks**

PART-A

- Q1) Answer the following questions in detail (Any Two) [40]**
- Explain various Sociological theories of Crime. Discuss their importance in understanding the criminal behaviour?
 - Attempt the following:
 - Hirschi's Social Control Theory
 - Differential Reinforcement Theory
 - Explain the process of profiling criminal personality. What are the factors underlying criminal profiling? What are its merits and demerits?
 - Define Criminology. Write a detailed note on positivist theory of Criminology.

PART B

- Q2) Answer the following questions (Any Two) [30]**
- Explain 'Socialization' and 'Crime' with special reference to Differential Association Theory.
 - Critically evaluate the Cohen's theory of Delinquent Subculture. How far it differs from Miller's lower class gang delinquency theory?
 - Define Criminal Psychology. Examine the Psychological and Psychoanalytical approaches to crime.
 - What is Forensic Psychology? Discuss the role of Forensic Psychology in the investigation of crime.

PART C

- Q3) Write short notes on the following: (Any Two) [10]**
- Neo-Classical School
 - Mental Illness and Crime
 - Application of psychology in court
 - Neutralization and Rift Theory