

● TYPOLOGICAL SCHOOL OF CRIMINOLOGY: CRITICAL & COMPARATIVE OUTLOOK



Pramod Tiwari*

Abstract

Various criminologists have sought to explain criminal behaviour from many years. With the advancement of behavioural sciences, the monogenetic explanation of human conduct lost its validity and a new trend to adopt an eclectic view about the genesis of crime gradually developed. In this connection anthropological features of criminals have been emphasized by typological school of criminology. In this research paper an attempt has been made to examine First, Biological factors that are hereditary, which result from the genes individuals receive from their parents at the time of conception. Second, Biological factors that originally may be hereditary but may change during the life course in response to environmental condition. Third, Biological factors that originate in the environment.

Key words

Crime Causation, Criminality, Typological School, Atavism, and Phrenology.

I. INTRODUCTION

The causes of crime are one of the important phases of crime problem that requires more discussion, investigation and research and call for more social and governmental action. Various criminologists have sought to explain criminal behaviour for many years. Prior to 18th century the causes of crime were explained to be demonological (Possession of an evil spirit) or naturalistic (an affected brain). Later on various disciplines emerged particularly Biology, Anthropology, Sociology as well as the causes which exist in the physical and social environment of man. Some important theories advanced from time to time by the leading criminologists are reproduced in belief in order to highlight the different aspects of criminal behaviour and crime causation.¹

With the advance behavioural sciences, the monogenetic explanation of human conduct lost its validity and a new trend to adopt an eclectic view about the genesis of crime gradually developed. By the 19th century, certain French doctors were successful in establishing that it was neither 'free will' of offender nor his innate depravity which actuated him to commit crime but the real cause of criminality lay in anthropological features of the criminals. Some phrenologists also tried to demonstrate the organic functioning of brain and enthusiastically established a co-relationship between

*Assistant Professor, LC-II, Faculty of Law, University of Delhi.

¹G.B.Vold, *Theoretical Criminology*, 33 (Oxford University, 1998).

criminality and the structure and functioning of brain. This school is named as Positive School, Italian School, Scientific School and Biological theory of crime causation.

Modern biological theories in criminology do not argue for biological determinism, rather, these theory argue that certain biological characteristics increase the probability that individuals will engage in certain types of behaviours such as violent or anti-social behaviours, that are legally defined as criminal. In this research paper an attempt has been made to examine. First, Biological factors that are hereditary, which result from the genes individuals receive from their parents at the time of conception. Second, Biological factors that originally may be hereditary but may change during the life course in response to environmental condition. Third, Biological factors that originate in the environment.

II. CHIEF EXPONENTS OF THIS SCHOOL

- John Caspar Lavates (1741-1801) : Physiognomy
- Franz Joseph Gall (1758-1828) : Phrenology
- John Gaspar Spurzheim (1776-1832)
- Cesave Lombroso (1836-1909) : Atavism
- William Sheldon (1936) : Somatotypes

The earliest biological theories in criminology emphasized physical appearance as the distinguishing mark of the criminal. Criminals were thought be some how different, abnormal defective and therefore inferior biologically.²

Physiognomy

The belief that the criminals have an unusual physical appearance goes back to ancient times. For example, Socrates was examined by a Greek Physiognomist who found that his face revealed him as brutal, sensuous and inclined to drunkenness.

In 1775 Johan Caspar Lavates (1741-1801), a Swiss Scholar and theologian, published a four volume work on physiognomy that received nearly as much favourable attention as Baccaria's work had only eleven years earlier. Lavates systematized many popular observation and made many extravagant claims about the alleged relation between facial features and human conduct.

Prenology

Where physiognomy studied the fact, phrenology studied the external shape of the skull. This concept was originally based an Aristotle's idea that the brain is the organ of the mind. Phrenologists assumed that the shape of the skull revealed the shape of the brain inside and different parts of the brain were associated with different facilities. Therefore, the shape of the skull would indicate how the mind functioned.

In 1791, the eminent European anatomist Franze Joseph Gall (1758-1828) was one of the first thinker who present systematically the idea that bodily constitution might reflect personality. His theory can be summarized in four propositions:



- i. The brain is the organ of the mind.
- ii. The brain consists of localized faculties or functions.
- iii. The shape of the skull reveals the underlying developed of areas within the brain.
- iv. The personality can be revealed by a study of the skull.

Gall's student and onetime collaborator, John Garpar Spurzhium (1776-1832), carried their doctrines to England and America.

Contribution of Phrenological Theory

Phrenology remains a part of popular culture today. Movies of the fictional Sherlock Holmes depict the great investigator making use of skulls inked with phrenological maps, and personality readings based upon liberal interpretations of Gall's theory are available at some country fairs, church socials, and fortune-telling booths.

III. ATAVISM: CESARE LOMBROSO (1835-1909)

Origin and Development

Cesare Lombroso was a physician who became a specialist in psychiatry, and his principle career was as a professor of legal medicine at the University of Turin. He was of the pessimistic and fatalist view that a criminal is always a 'born' criminal. He was the leader of Italian school and the first statement of his theory was published in 1876 in his pamphlet entitled 'L' Uomo Delinquente (The criminal Man). In that book Lombroso proposed that criminals were biological throwbacks to an earlier evolutionary stage. Lombroso used the term 'atavistic' to describe such people. The idea of evolution itself was relatively recent at the time, having first been proposed by Darwin in his book 'On the origin of species (1859) Lombroso himself latter modified his initial thesis.'³

The real basis of Lombroso theory however, is the search of the causes of criminal behaviour. That search is based on the conception of multiple factor causation, in which some of the factor may be biological, other psychological and still others social.⁴

Lombroso did much by way of documenting the effects of many of these factors. As his thinking changed over the years, he looked more and more to environmental rather than biological factor. This change and growth of his thinking was evidenced by the increase in the number of pages in successive edition of 'L' Uomo delinquente'. In its first edition in 1876, Lombroso required 252 pages to explain his theory of evolutionary atavism as the causes of crime. 20 years later in the 5th edition of his book, he needed over 1900 pages to include all the items that appeared to be related to crime causation. Those included such things as climate, rainfall, the price of grain, sex and marriage customs, criminal laws breaking practices, national traffic policies. Lombroso's last book 'Crime, its causes and remedies' includes discussion of many factors related to crime causation of which by far the largest number are environmental rather than biological. In this way he accepted the quetartet and Guerrey explanation of crime causation.⁵

Lombroso's latter, more mature thought therefore included many factors other than the

³Sutherland & Cressey, *The Principle of Criminology*, 55 (6th ed).

⁴*Ibid.*

⁵*Ibid.*

physical or anthropological. He maintained that there are three major classes of criminals.

- Born criminal: to be understood as atavistic reversion to a lower or more primitive evolutionary form of development and thought to constitute about one third of the total number of offender.
- Insane criminal: idiots and those afflicted with general paralysis, dementia, alcoholism, epilepsy or hysteria and
- Criminaloids: a large general class without special physical characteristic or recognizable mental disorder, but whose mental and emotional make-up are such that under certain circumstances they indulge in vicious and criminal behaviour, e.g. habitual, passionate, occasional criminal etc.⁶

IV. CENTRAL THESIS OF THE LOMBROSIAN THEORY

As far Lombroso, his belief was that the presence of certain physical characteristics frequently found in criminals, afforded grounds for treating the criminals as an anthropologic type. Lombroso adopted the objective and empirical approach to the study of criminals through his anthropological experiments. After an intensive study of criminals through his patients and latter on of criminals, he came to the definite conclusion that criminals were physically inferior in the standard of growth and therefore developed a tendency of criminology. Limited extent Lombroso did accept the effect of environment, society, education, parental factors etc. as the causes of criminality.

Lombroso's View Regarding Environmental Effect on Crime

As in the head of origin and development this effect has already been discarding. However, considering the two hemisphere, Lombroso again found that summer had the greatest number of revolutions, as does crime. Following Lombroso, Enrico Ferri published a study in a German magazine entitled "Das Verbrechen in Siner Abhangigkeit Vom Jahrlichen Temperature Wechsel", in which he says that in month of June sex offences are maximum in France.⁷

It must however be stated that at the latter stage Lombroso himself was convinced about the futility of his theory of atavism and therefore extended his theory of determinism to social as well as economic situation of criminals. Thus he was positive in method and objective in approach which subsequently paved way to formulation of multiple causation theory of crime by sociologists.⁸

Lombroso's View Regarding Parental Factor on Criminality⁹

Another method for determining the effects of heredity on criminality is to study the records of adopters. Researchers found that the adoptee's probability of being convicted of a crime was influenced by the number of court convictions of their biological parents,

⁶*Ibid.*

⁷Vonting, "Crime Causation", *Journal of Criminal Law, Criminology and Police Science*, 43 (1952-53), p. 53.

⁸*Ibid.*

⁹K.T. Van Dusen: "Social Class and Crime in an Adoption Cohort", *Journal of Criminal Law and Criminology*, 74 (1983), 249-69.



but not their adoptive parent. Later re-analysis of the same data found that the socio-economic status of adoptive and biological parents and the personality disorder of biological parent and the number of placement before final adoption all influenced adoptee convictions.

Fore Runners to Lombroso¹⁰

- Homer: The Greek epic poet Homer described thesities as an ugly and deformed person with harsh hair and a pointed head.
- Aristotle: Recognized the physiognomic signs of habits, vices and crimes inferior acts. He further generalized that criminals are less sensitive to pain and therefore they have little regard for the sufferings of others.
- Samudrika Lakshman: Indian scholar of the view that the character of person could be found by an examination of factors such as height, voice, weight, blood etc., was perhaps the fore runner of Lombrosian's idea.

Cesare Lombroso was of the view that criminals could be recognized by certain stigmata and anomalies. The atavistic and degenerative stigmata enumerated by Lombroso are as follows:

Asymmetrical cranium, Long lower jaw, A defective or flattened nose often w/o bony skeleton, Scanty bearded, Low sensitivity to pain, A receding forehead, Projecting/voluminous ears, Cold fixed and glassy eyes, A thin upper lip, Epilepsy, Skin that is pale and wrinkled, Teeth (morals undeveloped, wisdom teeth absent, canine teeth overdeveloped), Excessive length of arms and Supernumeracy fingers / toes.

The "criminal type" claimed Lombroso, could be recognized by the possession of at least five of these stimata Lombroso was of the view that 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' is not confined only to a legally confined criminal but include any person who is potentially a criminal and who possesses the characteristics of the criminal type. Thus he is concerned not only with criminals in law but also with the anthropological criminals. He was of the view that because of their personal natures, such persons (with the anomalies and stigmata) can not 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.

Lombroso's Contribution

Following scholars who made post-Lombrosian research and agreeing with Lombroso, viz.:

- Prof. Ernest Hooton: He after his research concluded that there is unduly large proportion of very short fat men among sex offenders, and an excess of tall, slender

¹⁰Gabriel Tarde, *On Communication and Social Influence*, 3-4 (1969).

men among murderers. Thus he agreeing with the idea of Lombroso that a particular physical constitution makes a particular type of 'Criminal man'.¹¹

- Prof. J. Lange: He studied the criminal behaviour of twins and concluded that both members of identical twins take to crime; further the crime committed were identical or similar. Thus, heredity or inborn traits did play a role in making-up of the criminal personality.¹²
- J. Trenaman's: report on army offenders showed them to be generally inferior to the normal army intake as regards both height and weight.¹³
- T. Ferguson: found some physical inferiorities among juvenile delinquents as compared to non-delinquents.¹⁴
- Hans Von Henting: Red hair was classified by Lombroso as one of the stigma in degeneracy, and presented name evidence to the effect that American outlaws were red-haired to an unusual extent.¹⁵
- William Sheldon: "Somatotypes" - The last of the famous constitutional theorists was William Sheldon (1893-1977) Sheldon studied 200 juvenile delinquents between the age of 15 to 21 at the Hayden Goodwill Institute in Boston, Massachusetts, and decided that the young men possessed one of three somatotypes (or body types).¹⁶

The types of bodies described by Sheldon were :

Physique

- a. **Endomorphic** : relative predominance of muscle, bone and connective tissue.
- b. **Mesomorphic** : having a soft roundness throughout the various regions of the body, short tapering limbs, small bones and soft smooth velvety skin.
- c. **Ectomorphic** : relative predominance of skin and its appendages, which include the nervous system; delicate body; small, delicate bones; droopy shoulders; small face, sharp nose; fine hair, relatively little body mass and great surface area.

Temperament

- Viscerotonic**: General relaxation of body, a comfortable person, loves soft luxury, but still essentially an extrovert.
- Somotonic** : active, dynamic person; walks, talks, gestures assertively; behaves aggressively.
- Cerebrotonic** : an introvert, full of functional complaints, allergies, skin thoubles, sensitive to nosie and distractions; shrinks from crowds.

¹¹Katherine S. Williams, *Text Book on Criminology* (1st Indian reprint 2001), pp. 147.

¹²*Ibid.*

¹³*Ibid.*

¹⁴*Ibid.*

¹⁵*Ibid.*

¹⁶*Ibid.*



Although he wrote that each somatotype was possessed of a characteristic personality, Sheldon believed predominantly mesomorphic individuals were most prone to aggression, violence and delinquency.

Lombroso's Criticism

The findings of Lombroso were seriously challenged, around the turn of the century, by some medico-statistical study and other studies as well of a considerable merit, viz: Charles Goring; He studied some English prisoners with normal persons of society in 1910 and published his findings in his work 'The English Convict'. The results were distinctly contrary to the Lombrosian findings:

Goring and his associates spent 12 years making a greatly detailed study of 3000 prisoners. These studies included measurement in almost infinite detail of certain physical features of the prisoners, and he worked out co-relation between figures obtained from one group of prisoners and corresponding figures obtained from each of several other groups. There were no striking differences to be found between those of one group and those of another. The evidence for the criminal 'physical type' based on anthropometric data relating to skull and face and based too upon certain descriptive data concerning facial and other features, is nothing. No such physical characteristics can be accepted as sign of criminal or any other sub-group of criminals.¹⁷

In addition, Goring found that "weak-mindedness", was probably the most important factor in criminality. His finding also pointed to the fact that social conditions had very little to do with criminality". This work of Goring a model of research in criminology, though its finding on "weak-mindedness" and social influence are questionable.¹⁸

- Edwin H. Sutherland: "The Lombrosian school by shifting attention from crime as a social phenomenon to crime as an individual phenomenon, delayed for 50 years the work which was in progress at the time of its origin and in addition made no lasting contribution of its own."¹⁹
- Gabriel Tarde (1834-1909): He believed that crime was essentially imitative behaviour and that it developed throughout life. Though Tarde did not present sufficient data to back up his beliefs his arguments were appealing to the people who were uncomfortable with Lombroso's biological determinism.²⁰
- Fatalistic Approach: If the theory of Lombroso is accepted then, it follows that what is inborn is incorrigible and that is the reason why Lombroso is in favour of capital punishment. The net effect of the Lombrosian thesis is that the efforts of the priest, judge and social reformer are wasted on any criminal for he is a born criminal, and therefore incorrigible. This is a fatalistic approach and deserves criticism.²¹

¹⁷N.V. Paranjape, *Criminology, Penology & Victimology*, 48 (Central Law Publication, 10th ed.).

¹⁸*Ibid.*

¹⁹*Ibid.*

²⁰*Ibid.*

²¹*Ibid.*

- Lombroso's researches did not provide for adequate control groups constituted from the non-criminal population. Not having examined non-criminals could one conclude that particular physical characteristics were associated with the "criminal type"?²²

V. OTHER CHIEF EXPONENTS OF THIS SCHOOL

Except Lombroso other chief exponents of positive school of criminology are: Enrico Ferri (1856-1928) and Raffaele Garofalo (1852-1934).

Another chief exponent of typological school of criminology was Enrico Ferri. He challenged Lombrosian view of criminality. Through his scholarly researches, Ferri proved that mere biologic reasons were not enough to account for criminality. He firmly believed that other facts such as emotional reaction school infirmity or geographical conditions also play a vital role in determining criminal tendency in men. It is for this reason that he is sometimes called the founder of 'criminal sociology'.²³

Ferri propounded the theory of "Law of Criminal Saturation". This theory presupposes that the crime is the synthetic product of three main factors: Physical or geographical; Anthropological; and Social.²⁴

VI. CONCLUDING OBSERVATION

Criminal behaviour is an outcome of a variety of factors having their combined effect on the individual. Social change, which is inevitable to a dynamic society: results in disharmony conflict and cultural variations. As a result of this social disorganization takes place and traditional pattern of social control mechanism totally breakdown. In the wake of such rapid social changes, the incidence of crime is bound to increase tremendously. The heterogeneity of social conditions destroys the congenial social relationship creating a social vacuum which proves to be a fertile ground for criminality. Following may be the types of criminals, viz.: Born criminals; Occasional criminals; Passionate criminals; Insane criminals; and Habitual criminals. Thus, other factors such as emotional reaction, social infirmity or social and geographical condition also play a vital role in determining criminal tendency of men.

²²*Ibid.*

²³Ahmad Siddique's, *Criminology, Penology & Victimology*, 16 (Eastern Book Company, 7th ed.).

²⁴*Ibid.*