

Criminology, deviance and crime

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1. Criminology: meaning, scope, history and schools
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1 Criminology: meaning, scope, history and schools

Criminology is the scientific study of crime, criminals, the making of criminal laws and society's reaction to crime; it moved from demonological ideas (crime as sin) to the classical school (Beccaria, 1764: free will, fixed punishment), the neo-classical compromise, the positivist (Italian) school (Lombroso, Ferri, Garofalo: crime has causes), the cartographic school (Quetelet, Guerry: crime maps and statistics) and the sociological school (crime is a product of society).

Core facts

- **Word "criminology"**: usually credited to the French anthropologist **Paul Topinard** (1879, *criminologie*); **Raffaele Garofalo** made it a book title, *Criminologia* (1885).
- **Sutherland's definition** (first published as *Criminology*, 1924; *Principles of Criminology* from 1934; later editions with **Donald Cressey**): criminology is the body of knowledge on crime as a **social phenomenon**; it covers the processes of **making laws, breaking laws and reacting to the breaking of laws**.
- **Sutherland's three branches**:
 - **sociology of law**: how criminal laws are made and changed;
 - **criminal etiology** (aetiology): the **causes** of crime;
 - **penology**: the **control and treatment** of crime and criminals (punishment, prisons, probation).
- **Penology**: study of punishment and treatment of offenders; the word is credited to **Francis Lieber** (1830s).
- **Victimology**: study of the **victim**, the victim–offender relationship and victim rights. **Benjamin Mendelsohn** coined the term and is called the **father of victimology**; **Hans von Hentig**, *The Criminal and His Victim* (1948).
- **Criminalistics**: scientific crime detection (forensic science); the term comes from **Hans Gross** (Austria, 1890s).
- **Nature**: an **interdisciplinary social science** drawing on sociology, psychology, law, biology, psychiatry and statistics. Criminal law says **what ought to be** punished (normative); criminology studies **what is** (factual).
- **Schools in order**:

School	Period	Key names	Core idea
Pre-classical (demonological)	before 1750	priests, kings	crime is sin or possession by evil spirits
Classical	1764 onwards	Beccaria, Bentham	free will; punishment fixed and proportionate
Neo-classical	early 1800s	French Code 1810, Rossi	free will, but age and insanity reduce guilt

School	Period	Key names	Core idea
Positivist (Italian)	1876 onwards	Lombroso, Ferri, Garofalo	crime has causes; treat the criminal
Cartographic	1830-1880	Quetelet, Guerry	crime follows place, season and social data
Sociological	late 1800s-1900s	Durkheim, Tarde, Chicago school	crime is produced by society

- **Cesare Beccaria** (Italy): *Dei delitti e delle pene*, **On Crimes and Punishments (1764)**; founder of the **classical school**; against **torture** and the **death penalty**; punishment must be **certain, prompt and proportionate**.
- **Jeremy Bentham** (England): **utilitarianism, hedonistic (felicific) calculus**: people weigh pleasure against pain; designed the **Panopticon** prison (1791).
- **Cesare Lombroso** (Italian army doctor): *L'uomo delinquente*, **Criminal Man (1876)**; **born criminal, atavism** (a throwback to an earlier stage of evolution), physical **stigmata**; called the **father of modern (positive) criminology**; traced crime to **heredity** (inborn traits).
- **Enrico Ferri**: *Criminal Sociology (1884)*; rejected **free will**; **law of criminal saturation** (a given social setting produces a fixed amount of crime); five classes of criminals.
- **Raffaele Garofalo**: **natural crime**, an act that offends the basic moral sentiments of **pity and probity**.
- **Lombroso, Ferri and Garofalo** are called the **holy three (trinity) of criminology**.
- **Adolphe Quetelet** (Belgium): *Sur l'homme (1835)*, "social physics"; **thermic law of crime**: crimes against the **person** rise in **warm** regions and seasons, crimes against **property** in **cold** ones.
- **André-Michel Guerry** (France): *Essay on the Moral Statistics of France (1833)*; among the first **crime maps**.
- **Émile Durkheim**: crime is **normal** and even useful to society; **anomie** (normlessness).

Explained

1. Scope of criminology. Modern texts list these areas:

- **causes** of crime (biological, psychological, social);
- **nature and forms** of crime (white-collar, organised, cyber, crimes against women);
- **criminal behaviour** and types of offenders;
- **law-making** and the criminal law;
- **criminal justice system**: police, courts, prisons;
- **penology and corrections**: punishment, prisons, probation, parole, after-care;
- **victimology**: victims, compensation;
- **crime prevention** and policy;
- **juvenile delinquency**.

2. Criminology, penology and victimology.

Field	Studies	Key name	Question asked
Criminology	crime and criminals as a whole	Sutherland	why crime happens, how society reacts
Penology	punishment, prisons, treatment	Lieber (word)	how offenders should be dealt with
Victimology	victims and their role	Mendelsohn, von Hentig	who is harmed, what is owed to them
Criminalistics	physical evidence	Hans Gross	how crime is detected and proved

Sutherland treats penology as a **part** of criminology; some European writers treat it as a separate subject. Victimology began as a branch of criminology and is now often taught on its own.

3. Pre-classical (demonological) school. Crime was seen as the work of **evil spirits** or **sin**. Guilt was tested by **trial by ordeal** (fire, water) or by battle. Punishments were **harsh, public and arbitrary**: mutilation, burning, death for small offences. Judges had wide, unequal discretion. The classical school was a reaction against this.

4. Classical school (second half of the 18th century, Enlightenment).

- Man is **rational** and has **free will**: he chooses crime when its pleasure outweighs its pain.
- So punishment should be just enough pain to **deter**; the aim is **deterrence**, not revenge.
- Punishment must fit the **crime** (the act), not the criminal; the **same crime gets the same punishment**.
- Laws must be **written, clear and made by the legislature**; judges only apply them (the root of **nulla poena sine lege**).
- **Certainty** of punishment deters more than **severity**.
- Against **torture**, secret accusations and (Beccaria) the **death penalty**.
- Influence: the **French Penal Code of 1791**.
- Weakness: it ignored **individual differences**: a child, an insane person and a first offender were punished the same as a hardened adult.

5. Neo-classical school (early 19th century). Kept free will but allowed **exceptions**:

- **children** and the **insane** (and later, the feeble-minded) lack full responsibility;
- **mitigating circumstances** (provocation, first offence, situation) allow a lighter sentence;
- judges get some **discretion**.

Seen in the **French Code of 1810** and its **1819** revision; writers include **Rossi**, **Garraud** and **Joly**. Modern penal codes (the IPC of 1860 and now the BNS) follow this mix: guilt depends on a guilty mind, with defences for age and insanity.

6. Positivist (Italian) school (from 1876).

- Used the **scientific (empirical) method**: measure, observe, compare.
- Crime has **causes** (biological, psychological, social); **free will is denied (determinism)**.

- Focus shifts from the **crime** to the **criminal**; punishment should fit the **offender** (**individualisation** of treatment). Probation, indeterminate sentences and juvenile courts grow from this idea.
- **Lombroso**: measured prisoners' skulls and bodies; the **born criminal** shows **stigmata** (large jaw, sloping forehead, long arms, insensitivity to pain, tattoos). Later editions admitted other types: **insane criminal**, **occasional** criminal (criminaloid), **criminal by passion**. Also wrote *The Female Offender* (1893, with Ferrero).
- **Ferri**: added **social and physical** factors to Lombroso's biology. Classes: **born**, **insane**, **habitual**, **occasional** and **passionate** criminals. Favoured **social measures** to prevent crime ("penal substitutes").
- **Garofalo**: a lawyer; **natural crime**; held that criminals lacking pity and probity should be eliminated or controlled.

7. Cartographic (geographical) school (about 1830–1880). Used **official crime statistics** and **maps** to show that crime is **regular** and follows **place, season, age, sex, poverty and education**. **Quetelet** found that the number and kind of crimes repeat year after year with "frightening regularity", so crime is a **social fact**, not just individual choice. **Guerry** mapped crimes against person and property across French departments. In England, **Henry Mayhew** described London's criminal areas. This was the first **statistical** criminology and led to the ecological studies of the Chicago school.

8. Sociological school (late 19th and 20th centuries). Crime is caused by **social structure and social processes**.

- **Gabriel Tarde** (France): **laws of imitation** (1890): crime is learnt by imitating others.
- **Durkheim**: crime is normal in every society; **anomie** when norms break down.
- **Chicago school** (Park, Burgess, **Shaw and McKay**): crime is highest in the **zone in transition** of a city (**social disorganisation**).
- **Sutherland**: **differential association** (1939, 1947); **white-collar crime** (1939).
- **Merton**: **anomie / strain** theory (1938).

Details of these theories: the next notes on theories of crime.

9. Other schools (one line each).

- **Typological / constitutional**: **Kretschmer** (body types: pyknic, asthenic, athletic), **Sheldon** (endomorph, mesomorph, ectomorph; **mesomorphs** most delinquent), **Goddard** (feeble-mindedness, *The Kallikak Family*, 1912).
- **Socialist (Marxist)**: **Willem Bonger** (*Criminality and Economic Conditions*, 1905; English 1916): capitalism breeds egoism and crime.
- **Clinical / multiple-factor**: **William Healy** (USA), **Cyril Burt** (*The Young Delinquent*, 1925): crime has many causes; study each case.

Common traps

X "Lombroso wrote *On Crimes and Punishments*." ✓ **Beccaria (1764)**; Lombroso wrote *Criminal Man* (1876)**.

X "Beccaria is the father of positive criminology." ✓ Beccaria founded the **classical** school; **Lombroso** is the father of **positive (modern)** criminology.

X "The positivists believed in free will." ✓ The **classical** school did; the positivists (**Ferri** most of all) **rejected** it.

X "Law of criminal saturation: Garofalo." ✓ **Ferri**. Garofalo = **natural crime** (pity and probity).

X "Thermic law of crime: Guerry." ✓ **Quetelet**. Guerry = early **crime maps** (1833).

X "Sutherland's three branches are criminology, penology and victimology." ✓ **Sociology of law, criminal etiology, penology**.

X "The classical school individualised punishment." ✓ It fixed punishment to the **act**; **individualisation** came with the **positivists**.

X "Hans von Hentig coined the word victimology." ✓ **Mendelsohn** coined it; von Hentig wrote *The Criminal and His Victim* (1948).

X "Goring proved Lombroso right." ✓ Goring (1913) found **no physical criminal type**.

Quick revision

- Criminology: making laws, breaking laws, reacting to law-breaking (Sutherland, 1924).
- Branches (Sutherland): sociology of law, criminal etiology, penology.
- Word: Topinard 1879; Garofalo *Criminologia* 1885; penology: Lieber; victimology: Mendelsohn.
- Demonological → classical → neo-classical → positivist; cartographic and sociological alongside.
- Classical: Beccaria 1764, Bentham (hedonistic calculus, Panopticon); free will, deterrence.
- Neo-classical: French Code 1810; age, insanity, mitigating circumstances.
- Positivist: Lombroso 1876 (born criminal, atavism), Ferri (saturation, no free will), Garofalo (natural crime).
- Cartographic: Quetelet (thermic law, 1835), Guerry (crime maps, 1833).
- Sociological: Tarde (imitation), Durkheim (anomie), Chicago school, Sutherland, Merton.
- Goring (1913) disproved the Lombrosian type.

2 Crime: definitions, elements, classification and principles of criminal liability

A crime is an act or omission that the law forbids and punishes on behalf of society; it needs a guilty act (*actus reus*) and, as a rule, a guilty mind (*mens rea*), passes through intention, preparation, attempt and commission, and is judged under the principles of legality, presumption of innocence and general exceptions such as insanity (M'Naghten rules; IPC 84, now BNS 22). Since 1 July 2024 the Bharatiya Nyaya Sanhita (BNS) has replaced the IPC.

Core facts

- **New criminal laws** (passed Dec 2023, in force **1 July 2024**):

New law	Replaced	Sections
Bharatiya Nyaya Sanhita (BNS)	Indian Penal Code, 1860	358 (IPC: 511)
Bharatiya Nagarik Suraksha Sanhita (BNSS)	Code of Criminal Procedure, 1973	531
Bharatiya Sakshya Adhiniyam (BSA)	Indian Evidence Act, 1872	170

- **Definitions of crime:**
 - **Blackstone** (*Commentaries*, 1765–69): an act **committed or omitted in violation of a public law** forbidding or commanding it.
 - **Austin**: a wrong **pursued by the sovereign** or his subordinates.
 - **Kenny**: wrongs whose sanction is **punitive** and **not remissible by a private person**, only by the Crown (State).
 - **Tappan** (1947): an **intentional act or omission** in violation of **criminal law**, without defence or justification, **sanctioned by the State**.
 - **Garofalo**: **natural crime**, offending the sentiments of **pity and probity**.
 - **Durkheim**: an act that offends the **collective conscience**.
- **Legal definition in India**: "offence" = an act or omission **made punishable by law** (IPC Section 40; General Clauses Act 1897, Section **3(38)**). The BNS keeps this meaning.
- **Four elements of crime**: (1) a **human being** (under a legal duty, of the age of responsibility), (2) **mens rea**, (3) **actus reus**, (4) **injury** to a person or society.
- **Actus non facit reum nisi mens sit rea**: an **act does not make a person guilty unless the mind is also guilty**.
- **Four stages of crime**: **intention** → **preparation** → **attempt** → **commission**. Intention alone is **never** punished; preparation **usually not**; attempt **is**.
- **Attempt**: IPC **511** → BNS **62** (general punishment for attempt).
- **Felony vs misdemeanour** (English law): **misdemeanours** are the **less serious** crimes.
- **Mala in se** (wrong in itself: murder, theft) vs **mala prohibita** (wrong only because a law forbids it: traffic or licence offences).

- **Victimless crime** (Edwin Schur, *Crimes Without Victims*, 1965): consenting adults, no complaining victim: **prostitution, gambling, drug use, public drunkenness**.
- **Maxims and Article 20:**
 - **Nullum crimen sine lege, nulla poena sine lege:** no crime and **no punishment without a law** in force at the time → **Article 20(1)**.
 - **Nemo debet bis vexari** (no one twice vexed): **double jeopardy** → **Article 20(2)**.
 - **Nemo tenetur se ipsum accusare:** no one is bound to accuse himself → **Article 20(3)**.
 - **Ignorantia juris non excusat:** ignorance of **law** is no excuse (ignorance of **fact** can be).
 - **De minimis non curat lex:** the law ignores **trifles** (IPC 95 → BNS 33).
 - **Ei incumbit probatio qui dicit, non qui negat:** the burden of proof lies on **who asserts**, not who denies.
- **Presumption of innocence:** an accused is **innocent until proved guilty beyond reasonable doubt**; the prosecution bears the burden. **Woolmington v DPP (1935)**: the "**golden thread**" of criminal law. Also **UDHR Article 11, ICCPR Article 14(2)**.
- **Insanity: M'Naghten rules** (House of Lords, 1843) → IPC 84 → BNS 22: no offence if, **at the time** of the act, unsoundness of mind made the person **incapable of knowing the nature of the act** or that it was **wrong or contrary to law**.
- **Children:** under 7 years: no offence (IPC 82 → BNS 20, **doli incapax**); 7-12 years: no offence if not mature enough to understand (IPC 83 → BNS 21).
- **Kinds of punishment:** IPC 53 → BNS 4: death, imprisonment for life, imprisonment (rigorous or simple), forfeiture of property, fine, and (new in BNS) **community service**.

Explained

1. Crime, tort and sin.

Point	Crime	Tort (civil wrong)
Wrong against	society and the State	an individual
Proceedings by	the State (prosecution)	the injured person (suit)
Remedy	punishment	damages (compensation)
Can it be settled privately?	only compoundable offences	yes, freely

A **sin** is a breach of religious or moral rules; it is a crime only if the law makes it punishable. Many acts are both crimes and torts (assault, defamation).

2. Actus reus. The physical side of crime: a **voluntary act or illegal omission**, in the circumstances the law describes, which **causes** the forbidden result. An **omission** is criminal only where there is a **legal duty** to act (a parent not feeding a child; a public servant not doing a duty).

3. Mens rea. The mental side. Forms, from most to least blameworthy:

- **intention:** aiming at the result (murder);
- **knowledge:** knowing the result is likely;

- **recklessness / rashness:** consciously running an unjustified risk;
- **negligence:** failing to take the care a reasonable person would (death by negligence: IPC 304A → BNS 106).

Motive (why someone acted) is **not** an element: a good motive does not excuse a crime, though it may matter in sentencing or as evidence.

4. Exceptions to mens rea: strict liability. Some **public welfare** offences (food adulteration, foreign exchange, weights and measures, some environmental and traffic laws) are punishable **without proof of a guilty mind**. **State of Maharashtra v M.H. George (1965):** the Supreme Court convicted a foreigner who brought gold into India without knowing of the RBI rule; mens rea was excluded by the nature of the law.

5. Stages of crime in detail.

- **Intention:** not punishable (a mere thought harms no one and cannot be proved).
- **Preparation:** arranging the means (buying poison). **Generally not punishable**, because the person may still change his mind (*locus poenitentiae*). **Exceptions:** preparation to **wage war** against the State, preparation to commit **dacoity**, making or possessing instruments for **counterfeiting**.
- **Attempt:** a direct move towards commission after preparation is over. Punishable: general rule IPC 511 → **BNS 62** (up to **half** the longest term for the offence); specific attempts are separate offences (attempt to murder IPC 307 → BNS 109).
- **Commission:** the full offence.

Abhayanand Mishra v State of Bihar (1961): an attempt begins when preparation is complete and the person does an act **towards** the offence, even if it is not the last act.

6. Classifications of crime.

Basis	Classes	Example or note
Seriousness (English)	felony / misdemeanour	England abolished the line in 1967
Moral nature	mala in se / mala prohibita	murder / driving without licence
Police power (CrPC → BNSS)	cognizable / non-cognizable	arrest without warrant only in cognizable
Bail	bailable / non-bailable	bail a right only in bailable
Settlement	compoundable / non-compoundable	CrPC 320 → BNSS 359
Trial procedure	summons case / warrant case	warrant case: over 2 years' prison
Victim or target	person, property, State, public	murder, theft, sedition-type, riot
Offender type	white-collar, organised, juvenile, professional	Sutherland: white-collar (1939)

7. Victimless crimes. Called so because the "victim" consents or is the offender himself and nobody complains. Examples: prostitution, gambling, drug use, drunkenness, (earlier) attempted suicide and adult homosexual acts. Debate: Schur and others argued that punishing them wastes police effort, breeds corruption and pushes them underground; critics answer that families and society are still harmed. In India,

the Supreme Court **decriminalised consensual adult same-sex acts** (Navtej Singh Johar, **2018**), and the BNS does **not** carry over IPC 309 (attempt to suicide) as a general offence.

8. Legality and Article 20. Article 20 gives three protections to an accused:

- **20(1)** no conviction for an act that was **not an offence when done**, and no **heavier** penalty than the law then allowed (**no ex post facto criminal law**);
- **20(2)** no person to be **prosecuted and punished twice** for the same offence (also CrPC 300 → BNSS 337);
- **20(3)** no accused to be **compelled to be a witness against himself**.

Article 20 **cannot be suspended** even in an Emergency (44th Amendment, 1978).

9. Presumption of innocence and burden of proof.

- The prosecution must prove guilt **beyond reasonable doubt**; the accused need not prove innocence.
- **Blackstone's ratio**: better that **ten guilty** persons escape than that **one innocent** suffer.
- The general rule on burden: Evidence Act **101** → BSA **104**.
- **Exceptions (reverse burden)**: when the accused claims a **general exception** such as insanity or private defence, he must show it (Evidence Act 105 → BSA **108**), but only on a **balance of probabilities**; special laws presume guilt once basic facts are proved (**POCSO** Sections 29–30, **NDPS** Section 35, dowry death).
- Not stated in so many words in the Constitution; the courts read it into **Article 21** (fair trial).

10. Insanity.

- **M'Naghten's case (1843)**: Daniel M'Naghten shot dead **Edward Drummond**, secretary to Prime Minister **Robert Peel**, believing he was being persecuted. His acquittal led the **House of Lords** to frame rules: everyone is **presumed sane**; to escape liability the accused must show a **defect of reason, from disease of the mind**, so that he **did not know the nature and quality** of the act, or **did not know it was wrong**.
- **Legal vs medical insanity**: the law asks only whether **cognitive capacity** was lost **at the time** of the act. A person may be medically ill and still legally responsible.
- IPC 84 (now **BNS 22**) is based on the M'Naghten rules. **Dahyabhai Chhaganbhai Thakkar v State of Gujarat (1964)**: the accused must prove legal insanity on a balance of probabilities; the court looks at conduct before, during and after the act.
- **Intoxication: involuntary** intoxication is treated like insanity (IPC 85 → BNS **23**); **voluntary** intoxication is **no defence**, though knowledge is presumed as if sober (IPC 86 → BNS **24**).

11. Kinds of punishment (IPC 53 → BNS 4).

Kind	Note	IPC → BNS
Death	only "rarest of rare" (Unit III)	53 → 4(a)
Imprisonment for life	rest of natural life unless remitted	53 → 4(b)
Imprisonment	rigorous (hard labour) or simple	53 → 4(c)
Forfeiture of property	State takes the property	53 → 4(d)

Kind	Note	IPC → BNS
Fine	prison in default of fine	53 → 4(e); 64 → 8
Community service	new in BNS, for petty offences	4(f)

- **Solitary confinement:** part of rigorous imprisonment, at most **3 months** in all (IPC 73 → BNS **11**; limits IPC 74 → BNS 12).
- **Fractions of terms:** life imprisonment counts as **20 years** for calculating fractions (IPC 57 → BNS **6**).
- **Commutation** of sentence by the appropriate government (IPC 54-55 → BNS **5**).
- **Abolished punishments:** **transportation** (replaced by imprisonment for life, **1955**), **penal servitude** (1949), **whipping** (Abolition of Whipping Act, **1955**).
- **Community service** in the BNS: for example **petty theft** of property under ₹5,000 by a first offender who returns it, **defamation**, and misconduct in public by a **drunken** person.

Common traps

✗ "Insanity is IPC 84, so it is BNS 84." ✓ IPC 84 → **BNS 22**. (Children: IPC 82, 83 → BNS 20, 21; attempt: IPC 511 → BNS 62.)

✗ "Medical insanity is enough." ✓ Only **legal insanity** at the **time of the act**: inability to know the nature of the act or that it was wrong.

✗ "M'Naghten rules, 1883." ✓ **1843**, House of Lords.

✗ "Misdemeanours are the serious crimes." ✓ **Felonies** are serious; **misdemeanours** are the lesser ones.

✗ "Preparation to commit any crime is punishable." ✓ Generally **not**; only a few (waging war, dacoity, counterfeiting).

✗ "Motive is an element of crime." ✓ The elements are human being, **mens rea**, **actus reus**, injury; motive is not.

✗ "Theft is a victimless crime." ✓ Victimless = **prostitution, gambling, drug use, drunkenness** (consenting parties).

✗ "The definition 'act committed or omitted in violation of a public law' is Kenny's." ✓ **Blackstone's**. Kenny = sanction **not remissible by a private person**.

✗ "Double jeopardy is Article 20(1)." ✓ **20(2)**; 20(1) = ex post facto laws; 20(3) = self-incrimination.

✗ "The IPC lists six kinds of punishment, including community service." ✓ The **IPC** had five; **community service** is **new in the BNS**.

Quick revision

- BNS, BNSS, BSA in force 1 July 2024 (replace IPC, CrPC, Evidence Act).
- Blackstone: act committed or omitted in violation of public law; Kenny: not remissible by a private person.
- Elements: human being, mens rea, actus reus, injury; actus non facit reum nisi mens sit rea.
- Stages: intention, preparation, attempt (IPC 511 → BNS 62), commission.
- Strict liability: M.H. George (1965).
- Misdemeanour = less serious; mala in se vs mala prohibita; victimless: Schur (1965).
- Article 20: (1) no ex post facto, (2) double jeopardy, (3) self-incrimination.
- Presumption of innocence: Woolmington (1935), "golden thread".
- Insanity: M'Naghten 1843 → IPC 84 → BNS 22; children IPC 82/83 → BNS 20/21.
- Punishments: IPC 53 → BNS 4; community service new; IPC 57 → BNS 6 (life = 20 years).

3 Biological and psychological theories of crime

Biological and psychological theories look for the cause of crime inside the offender: in body build, heredity or the brain (Lombroso and his successors) or in the mind and personality (Freud, Eysenck); they began with the positive (Italian) school of Lombroso, Ferri and Garofalo, which replaced free will with determinism and punishment with treatment and social defence.

Core facts

- **Positive / Italian school** (late 19th century): the "holy three" **Lombroso, Ferri, Garofalo**. Opposed the **classical school** (Beccaria 1764, Bentham), which assumed free will and fixed punishment to the crime. Positivists studied the **criminal, not the crime**, by scientific method.
- **Cesare Lombroso** (1835–1909), Italian army doctor and psychiatrist: "**father of modern criminology**", founder of the positive school.
 - Book: **L'uomo delinquente** (**The Criminal Man**), **1876**.
 - **Atavism**: the born criminal is a throwback to an earlier, savage stage of evolution.
 - **Stigmata**: physical marks of the born criminal (sloping forehead, large jaw, long arms, handle-shaped ears, insensitivity to pain, tattoos).
 - Types: **born criminal**, **insane criminal**, **criminaloid** (occasional; no physical marks), **criminal by passion**.
 - Later editions gave more weight to social causes; wrote *The Female Offender* (1893) with Guglielmo Ferrero.
- **Enrico Ferri** (1856–1929), Lombroso's pupil, lawyer and politician:
 - Book: **Criminal Sociology** (*Sociologia criminale*, **1884**).
 - **Three groups of causes**: **anthropological** (individual), **physical** (climate, season, geography), **social** (population, economy, family).
 - **Law of criminal saturation**: a society, like a chemical solution at a given temperature, has a fixed amount of crime set by its conditions.
 - Rejected **free will**; responsibility is **social**, not moral. Five types: born, insane, habitual, occasional, passional.
- **Raffaele Garofalo** (1851–1934), magistrate: book **Criminologia** (**1885**); credited with popularising the word "**criminology**" (the French *criminologie* of Topinard, 1879, is earlier).
 - **Natural crime**: an act that offends the basic moral sentiments of **pity** and **probity** found in every civilised society.
 - Criminals have a **moral (psychic) anomaly**; stressed **temibilità** (dangerousness) and elimination for the incorrigible.
- **Charles Goring** (1870–1919), English prison doctor: **The English Convict** (**1913**). Compared about **3,000 convicts** with non-criminals (students, soldiers, hospital patients) using Karl Pearson's statistics: **no distinct physical criminal type**; refuted Lombroso, but found convicts shorter, lighter and of **lower intelligence**, which he took as inherited.

- **Earnest Hooton** (1887–1954), Harvard anthropologist: **The American Criminal** (1939). Measured about **14,000 prisoners** and about 3,000 civilians; called criminals **"organically inferior"**. Criticised for a weak control group and circular reasoning.
- **Body build (constitutional) theories:**
 - **Ernst Kretschmer** (*Physique and Character*, 1921): **pyknic** (stout), **athletic**, **asthenic** / **leptosome** (thin), dysplastic.
 - **William Sheldon** (*Varieties of Delinquent Youth*, 1949; 200 Boston youths): **somatotypes** **endomorph** (soft, round; relaxed), **mesomorph** (muscular; active, aggressive), **ectomorph** (thin, fragile; introverted). Delinquents were mostly **mesomorphs**.
 - **Sheldon and Eleanor Glueck** (*Unraveling Juvenile Delinquency*, 1950; 500 delinquents vs 500 non-delinquents): about **60%** of delinquents vs about **31%** of non-delinquents were mesomorphs.
- **Heredity (family) studies:**
 - **Richard Dugdale**, **The Jukes** (1877): a New York family with many criminals and paupers.
 - **Henry Goddard**, **The Kallikak Family** (1912): **feeble-mindedness** as the inherited cause of crime.
- **Twin and adoption studies:** **Johannes Lange**, **Crime as Destiny** (1929): **10 of 13** identical (MZ) twin pairs vs **2 of 17** fraternal (DZ) pairs both criminal. **Karl Christiansen** (Denmark, 1970s) and **Mednick** (Danish adoptees, 1984) found a smaller but real genetic link.
- **XXY chromosome** ("supermale"): Patricia **Jacobs** and colleagues, 1965, Scottish state hospital; later studies did not confirm a strong link to violence.
- **Forerunners: physiognomy** (Lavater, reading character from the face) and **phrenology** (Franz Joseph **Gall** and Spurzheim, reading faculties from the skull's bumps).
- **Sigmund Freud** (1856–1939): personality = **id** (instincts, pleasure principle), **ego** (reality principle), **superego** (conscience). Crime follows when the id is not controlled by a **weak ego or superego**. Freud's essay (1916) on **"criminals from a sense of guilt"**: some offend to be punished for unconscious guilt.
- **August Aichhorn**, **Wayward Youth** (1925): **latent delinquency**; first applied psychoanalysis to delinquents in institutions.
- **John Bowlby**, **Forty-four Juvenile Thieves** (1944): **maternal deprivation** in early years produces an **"affectionless character"**.
- **Hans Eysenck**, **Crime and Personality** (1964): high **extraversion**, **neuroticism** and later **psychoticism** (E, N, P) make a person hard to **condition**, so conscience forms poorly.
- **Psychopathy:** Hervey **Cleckley**, **The Mask of Sanity** (1941); Robert **Hare's** Psychopathy Checklist (**PCL-R**). In the DSM it is close to **antisocial personality disorder**.
- **Frustration–aggression hypothesis:** **Dollard**, **Doob**, **Miller** and others, 1939.

Explained

1. Classical vs positive school.

Point	Classical school	Positive school
Founders	Beccaria (<i>On Crimes and Punishments</i> , 1764), Bentham	Lombroso, Ferri, Garofalo
Human action	free will , rational choice	determined by body, mind, society
Focus	the crime (act)	the criminal (person)
Response	punishment fitted to the crime, deterrence	individualised treatment , social defence

The positive school is the root of probation, indeterminate sentences, juvenile courts and the case study of the offender, which is why a probation officer studies the person and not only the offence.

2. Lombroso's argument. Examining the skull of the brigand **Giuseppe Villella** (1870–71), Lombroso found a hollow at the back (the median occipital fossa) that he took as a mark of lower animals. From this he built the idea of the **born criminal**: a biological throwback (**atavism**) recognisable by **stigmata**. In later work he said born criminals are only about a third of offenders; the rest are insane, occasional (criminaloids) or passionate offenders, and he admitted climate, poverty and education as causes too. Criticisms: no proper control group, mixing of insane and criminal subjects, circular definition (offenders define the criminal type).

3. Ferri and Garofalo compared.

Point	Ferri	Garofalo
Training	lawyer, socialist MP	judge
Key idea	three factors; criminal saturation	natural crime; moral anomaly
Stress	social causes (most sociological of the three)	psychological (moral) causes
Penal view	social responsibility, preventive "penal substitutes"	elimination or transport of the dangerous

Ferri's **penal substitutes**: indirect measures (street lighting, cheap housing, free trade, birth control, lower taxes on food) that remove the conditions of crime. He also drafted the **Italian Penal Code project of 1921**, based on social defence.

4. From skull to body build. Goring (1913) tested Lombroso statistically and found no criminal type. Hooton (1939) revived the biological view with a huge sample. Sheldon (1949) moved from single marks to **whole body type** and temperament; the Gluecks (1950) gave the strongest data linking **mesomorphy** with delinquency. Critics say mesomorphs may be chosen for gangs, or treated as tough by police, so the link may be social.

5. Heredity, twins, adoption.

Method	Study	Finding
Family tree	Dugdale, Jukes (1877); Goddard, Kallikaks (1912)	crime and "feeble-mindedness" run in families
Twins	Lange (1929); Christiansen (1977)	higher concordance for MZ than DZ twins

Method	Study	Finding
Adoption	Mednick, Gabrielli, Hutchings (1984)	adoptees' crime closer to biological than to adoptive parents (property crime)
Chromosomes	Jacobs (1965), XYY	not confirmed as a cause of violence

Family studies cannot separate heredity from environment; twin and adoption studies try to. Modern **biosocial** criminology speaks of genes **interacting** with environment, not of a born criminal.

6. Other biological lines.

- **Endocrine / glandular:** Schlapp and Smith, *The New Criminology* (1928): glandular imbalance and emotional disturbance.
- **Neurophysiology:** brain injury, abnormal EEG, low arousal (offenders seek stimulation).
- **Biochemical:** diet, hypoglycaemia, premenstrual syndrome, testosterone, low serotonin, lead exposure.

7. Psychoanalytic explanations.

Thinker	Idea
Freud	weak ego/superego cannot check the id; some offend from unconscious guilt
Aichhorn (1925)	latent delinquency: a child left with unchecked impulses; treatment by a warm, permissive home
Bowlby (1944)	separation from the mother before age 5 gives an affectionless character (14 of his 44 thieves)
Healy and Bronner (<i>New Light on Delinquency</i> , 1936)	delinquency meets emotional needs not met at home

Psychoanalysis is criticised as untestable, but it shaped **case work** with offenders and the child-guidance clinic movement.

8. Personality and intelligence.

- **Eysenck:** conscience is a set of **conditioned** fear responses; extraverts condition poorly, so they break rules more. Scales: **EPO**.
- **MMPI** (Hathaway and McKinley, 1940s): its scale 4, **psychopathic deviate**, separates delinquents best.
- **Psychopath:** superficial charm, no guilt or empathy, impulsive, lies, does not learn from punishment (Cleckley's list; Hare's 20-item PCL-R).
- **Intelligence:** Goddard blamed feeble-mindedness; Goring found low intelligence; later IQ tests on army recruits weakened the claim. **Hirschi and Hindelang** (1977) said IQ works **through school failure**.
- **Social learning / modelling** (Bandura's Bobo doll studies, 1961) links psychology with the sociological theories in CR-CB-04.

Common traps

✗ "Lombroso founded the classical school." ✓ Lombroso founded the **positive** school; the classical school is **Beccaria** and Bentham.

✗ "Lombroso wrote *Criminal Sociology*." ✓ Lombroso wrote ***The Criminal Man*** (1876); **Ferri** wrote *Criminal Sociology* (1884).

✗ "Garofalo gave the law of criminal saturation." ✓ **Ferri**; Garofalo gave **natural crime** and the book *Criminologia* (1885).

✗ "Goring confirmed Lombroso's criminal type." ✓ Goring (1913) **refuted** a physical type, but stressed low intelligence.

✗ "Hooton studied twins." ✓ Hooton measured prisoners' bodies (1939); the twin study is **Lange's** *Crime as Destiny* (1929).

✗ "Ectomorphs are the delinquent type." ✓ Sheldon and the Gluecks found **mesomorphs** over-represented.

✗ "Pyknic, athletic, asthenic: Sheldon." ✓ That is **Kretschmer** (1921); Sheldon's are endo-, meso-, ectomorph.

✗ "The Jukes: Goddard." ✓ Jukes = **Dugdale** (1877); Kallikaks = **Goddard** (1912).

✗ "Freud: crime comes from too strong a superego only." ✓ Mainly from a **weak** ego or superego; a harsh superego explains the special case of crime **from a sense of guilt**.

✗ "Maternal deprivation: Aichhorn." ✓ **Bowlby**; Aichhorn wrote *Wayward Youth* (latent delinquency).

Quick revision

- Positive school: Lombroso, Ferri, Garofalo; determinism, study the criminal.
- Lombroso: *Criminal Man* 1876, atavism, stigmata, born criminal, criminaloid.
- Ferri: *Criminal Sociology* 1884, three factors, law of criminal saturation, penal substitutes.
- Garofalo: *Criminologia* 1885, natural crime (pity, probity), dangerousness.
- Goring: *English Convict* 1913, no criminal type. Hooton: *American Criminal* 1939, organic inferiority.
- Kretschmer: pyknic, athletic, asthenic. Sheldon: endo, meso, ecto; mesomorph delinquent.
- Gluecks 1950: 500 vs 500, mesomorphs 60% vs 31%.
- Dugdale Jukes 1877; Goddard Kallikaks 1912; Lange twins 1929; Jacobs XYY 1965.
- Freud id/ego/superego, guilt; Aichhorn *Wayward Youth*; Bowlby 44 thieves, maternal deprivation.
- Eysenck: E, N, P, poor conditioning; Cleckley *Mask of Sanity*; Hare PCL-R.

4 Sociological theories of crime: anomie, differential association, subculture, labelling and control

Sociological theories find the causes of crime in society, not in the individual's body or mind: strain (Durkheim's and Merton's anomie), learning (Sutherland's differential association, Akers' social learning), subculture (Cohen, Cloward–Ohlin, Miller), labelling (Tannenbaum, Lemert, Becker) and control (Reckless, Hirschi), which asks not why people offend but why most do not.

Core facts

- **Emile Durkheim:** crime is **normal** and found in every society; it is even **functional** (marks moral boundaries, unites the law-abiding, can herald change). Said in *The Rules of Sociological Method* (1895). **Anomie** = normlessness (*Division of Labour* 1893, *Suicide* 1897). Durkheim's life, solidarity and suicide types are in **SOC-WT-01**.
- **Robert K. Merton, "Social Structure and Anomie" (1938):** anomie (strain) arises when society stresses **cultural goals** (wealth, success) but limits the **institutionalised means** to reach them. Merton's functionalism (manifest and latent functions) is in **SOC-WT-04**.
- **Merton's five modes of adaptation** (+ accepts, – rejects, ± rejects and replaces):

Mode	Goals	Means	Example
Conformity	+	+	ordinary law-abiding citizen
Innovation	+	–	thief, fraudster, white-collar offender
Ritualism	–	+	rule-bound clerk who gave up ambition
Retreatism	–	–	addict, vagrant, chronic alcoholic
Rebellion	±	±	revolutionary

- **Robert Agnew: general strain theory (1992):** strain from failure, loss of valued things, and negative stimuli, felt as anger.
- **Chicago school: Shaw and McKay, *Juvenile Delinquency and Urban Areas* (1942): social disorganisation;** delinquency highest in the **zone in transition** of Burgess's concentric zones, whoever lives there.
- **Edwin H. Sutherland (1883–1950): differential association** theory, first stated in the 3rd edition (1939) of *Principles of Criminology* (1st ed. 1924); final form, **nine propositions**, in the 4th ed. (1947). Also coined "**white-collar crime**" (address 1939, book 1949). Called the "**dean of American criminology**".
- Core of differential association: criminal behaviour is **learned**, in **intimate personal groups**, by communication; a person offends because of an **excess of definitions favourable to violating the law** over definitions unfavourable to it. Associations vary in **frequency, duration, priority and intensity**.
- **Burgess and Akers (1966): differential association-reinforcement** theory, using **operant conditioning**; Ronald **Akers** then built **social learning theory** (differential association,

definitions, **differential reinforcement**, imitation).

- **Daniel Glaser (1956): differential identification:** a person offends when he identifies with real or imagined people who make crime seem acceptable.
- **Albert K. Cohen, *Delinquent Boys: The Culture of the Gang* (1955): delinquent subculture;** working-class boys judged by the "**middle-class measuring rod**" suffer **status frustration** and reject middle-class values by **reaction formation**. The subculture is **non-utilitarian, malicious and negativistic**.
- **Richard Cloward and Lloyd Ohlin, *Delinquency and Opportunity* (1960): differential opportunity:** illegitimate means are unevenly available, giving three subcultures: **criminal, conflict** (violent gangs) and **retreatist** (drugs; "double failures").
- **Walter B. Miller (1958):** lower-class culture itself breeds delinquency through six **focal concerns: trouble, toughness, smartness, excitement, fate, autonomy**.
- **Gresham Sykes and David Matza (1957): techniques of neutralisation;** Matza, *Delinquency and Drift* (1964): youths **drift** between conventional and delinquent action.
- **Labelling (societal reaction) theory:**
 - **Frank Tannenbaum, *Crime and the Community* (1938): "dramatisation of evil":** tagging a youth as bad makes him bad.
 - **Edwin Lemert, *Social Pathology* (1951): primary deviance** (initial, unlabelled) vs **secondary deviance** (deviance that follows from the label and the self-image it creates).
 - **Howard Becker, *Outsiders* (1963):** deviance is **not a quality of the act** but the result of others applying a label; **moral entrepreneurs** make the rules; deviant becomes a **master status**.
- **Control theories:**
 - **Walter Reckless, containment theory (1961): inner containment** (self-concept, self-control) and **outer containment** (family, school, community) hold people back from crime.
 - **Travis Hirschi, *Causes of Delinquency* (1969): social bond** theory with four elements: **attachment, commitment, involvement, belief**.
 - **Gottfredson and Hirschi, *A General Theory of Crime* (1990): low self-control**, formed in early childhood by poor parenting.

Explained

1. Four questions, four families of theory.

Family	Question	Cause of crime	Key names
Strain	Why do people break rules?	pressure from blocked goals	Durkheim, Merton, Agnew, Cohen, Cloward–Ohlin
Learning / cultural	How is crime learned?	association with law-breaking definitions	Sutherland, Akers, Glaser, Miller
Labelling	Who gets called deviant, and with what effect?	the official reaction itself	Tannenbaum, Lemert, Becker

Family	Question	Cause of crime	Key names
Control	Why do most people conform?	weak bonds or self-control	Reckless, Hirschi, Gottfredson

Strain and learning theories assume people are **naturally conformist** and ask what pushes them to crime; control theories assume people would **naturally** offend if nothing held them back.

2. Merton's strain in practice. American society (Merton's case) promises success to all, but slum youths, minorities and the poor have few legitimate routes. Most people still **conform**; **innovation** is the mode that produces most property and economic crime; **retreatism** explains drug addicts and vagrants who have given up both goals and means; **rebellion** puts new goals and means in place of the old. **Ritualism** is not crime: the person keeps the rules though he has stopped aiming high. Messner and Rosenfeld's **institutional anomie** (*Crime and the American Dream*, 1994) extends Merton: the economy dominates family, school and polity.

3. Sutherland's nine propositions (in short).

1. Criminal behaviour is **learned**.
2. It is learned in **interaction with others** through communication.
3. The main part of learning happens in **intimate personal groups**, not through the mass media.
4. Learning includes **techniques** of crime and the **motives, drives, rationalisations and attitudes**.
5. The direction of motives is learned from **definitions of legal codes** as favourable or unfavourable.
6. A person becomes delinquent because of an **excess of definitions favourable** to law violation (the principle of differential association).
7. Associations vary in **frequency, duration, priority and intensity**.
8. Learning crime uses **all the mechanisms** of any other learning.
9. Crime is not explained by general needs and values, since non-criminal behaviour expresses the same needs.

Strength: explains white-collar crime, which poverty theories cannot. Weakness: hard to measure "definitions"; does not explain impulsive or lone crimes; why some exposed people do not offend. **Akers** added **reinforcement** (rewards and punishments) and **imitation** to answer the "how" of learning.

4. Three subcultural theories compared.

Point	Cohen (1955)	Cloward and Ohlin (1960)	Miller (1958)
Root	status frustration in school	blocked legitimate and illegitimate opportunity	lower-class culture itself
Link to Merton	partial: rejects the goals	combines Merton with Sutherland	none (not strain)
Gang type	one delinquent subculture	criminal, conflict, retreatist	street-corner groups
Key words	middle-class measuring rod, reaction formation	illegitimate opportunity structure, double failures	focal concerns

5. Labelling in steps. Primary deviance (a petty theft, rarely noticed) → official reaction (arrest, court, the label "juvenile delinquent") → the label is a **master status**, closing jobs and friends → the youth accepts the identity and joins others like him → **secondary deviance** and a deviant career. Labelling theory is the basis of **diversion**, keeping juveniles out of formal courts, sealing records, and Edwin Schur's "**radical non-intervention**" (1973): leave the kids alone wherever possible. The JJ Act 2015 follows the same idea: section 24 says a child dealt with under the Act suffers no disqualification from the finding (except a child of 16–18 tried as an adult and convicted), and the records are to be destroyed after the appeal period.

6. Hirschi's four bonds.

Bond	Meaning	Example of weak bond
Attachment	affection for parents, teachers, peers	child indifferent to parents' opinion
Commitment	investment in conventional goals (education, career)	nothing to lose by arrest
Involvement	time spent in conventional activities	idle hours
Belief	acceptance of society's rules as morally valid	thinks laws are not binding

Reckless's **containment** came before Hirschi; Hirschi's 1969 survey of about 4,000 California youths tested the bond. Later, with Gottfredson, he moved to a single trait: **low self-control** (impulsive, risk-taking, short-sighted).

7. Sykes and Matza's five neutralisations. Denial of **responsibility** ("not my fault"), denial of **injury** ("no one got hurt"), denial of the **victim** ("he deserved it"), **condemnation of the condemners** ("police are corrupt too"), **appeal to higher loyalties** ("I did it for my gang"). They show delinquents share conventional values but switch them off for a moment.

Common traps

✗ "Anomie theory of crime: Durkheim only." ✓ Durkheim coined anomie; **Merton (1938)** turned it into strain theory with five modes of adaptation.

✗ "Ritualism means accepting goals but rejecting means." ✓ That is **innovation**; ritualism **rejects goals, keeps means**.

✗ "Differential association: Akers." ✓ **Sutherland** created it; Burgess and **Akers** added reinforcement (social learning).

✗ "Delinquent subculture: Cloward and Ohlin." ✓ **Cohen** (*Delinquent Boys*, 1955); Cloward and Ohlin gave **differential opportunity** (1960).

✗ "Retreatist subculture: Cohen." ✓ Criminal, conflict and retreatist subcultures are **Cloward and Ohlin's**.

✗ "Focal concerns: Cohen." ✓ **Walter Miller** (1958): trouble, toughness, smartness, excitement, fate, autonomy.

✗ "Dramatisation of evil: Becker." ✓ **Tannenbaum** (1938); Becker wrote *Outsiders* (1963), moral entrepreneurs.

✗ "Drift theory: Cohen." ✓ **Matza** (with Sykes on neutralisation).

✗ "Hirschi's bonds: attachment, commitment, involvement, containment." ✓ The fourth is **belief**; containment is **Reckless's** theory.

✗ "White-collar crime: Cressey." ✓ Coined by **Sutherland** (1939); Cressey co-wrote later editions of *Principles of Criminology*.

Quick revision

- Durkheim: crime is normal and functional; anomie (see SOC-WT-01).
- Merton 1938: goals vs means; conformity, innovation, ritualism, retreatism, rebellion.
- Agnew 1992 general strain; Shaw and McKay 1942 social disorganisation.
- Sutherland: differential association, nine propositions (1947), white-collar crime.
- Burgess and Akers 1966: differential association-reinforcement; Glaser 1956: differential identification.
- Cohen 1955: delinquent subculture, status frustration, middle-class measuring rod.
- Cloward and Ohlin 1960: differential opportunity; criminal, conflict, retreatist.
- Miller 1958 focal concerns; Sykes and Matza 1957 neutralisation; Matza 1964 drift.
- Tannenbaum 1938 dramatisation of evil; Lemert 1951 primary/secondary; Becker 1963 *Outsiders*.
- Reckless 1961 containment; Hirschi 1969 attachment, commitment, involvement, belief; 1990 self-control.

5 Deviance, social control, drug abuse and crime prevention

Deviance is behaviour that breaks a group's norms beyond its tolerance limit (crime is only the part forbidden by law); society checks it through informal and formal control; drug and alcohol abuse is handled in India mainly by the NDPS Act, 1985; and modern crime prevention tries to make crime harder through design (CPTED, Jeffery 1971; defensible space, Newman 1972; broken windows, Wilson and Kelling 1982).

Core facts

- **Deviance:** conduct that departs from social norms enough to draw disapproval. **Marshall Clinard** (*Sociology of Deviant Behavior*, 1957): deviance is behaviour in a disapproved direction that goes beyond the **tolerance limit** of the community.
- **Deviance vs crime:** every crime is legal deviance, but not every deviance is a crime (rudeness, eccentric dress, heavy drinking at home).
- **Deviance is relative:** it varies with time, place, group and who does it.
- **Primary and secondary deviance:** **Edwin Lemert**, *Social Pathology* (1951). Labelling: **Howard Becker**, *Outsiders* (1963). (Detail in SOC-BC-04 and CR-CB-04.)
- **Social control:** term from **E.A. Ross**, *Social Control* (1901). **Informal:** family, custom, religion, gossip. **Formal:** law, police, courts, prisons. (See SOC-BC-04.)
- **NDPS Act:** Narcotic Drugs and Psychotropic Substances Act, **1985**, in force **14 November 1985**. It replaced the Opium Acts (1857, 1878) and the Dangerous Drugs Act, **1930**.
- **Narcotics Control Bureau (NCB):** set up in **March 1986** under section 4(3) of the NDPS Act; under the Ministry of Home Affairs.
- **PITNDPS Act, 1988:** preventive detention of drug traffickers.
- **Article 47:** the State shall try to bring about **prohibition** of intoxicating drinks and drugs injurious to health, except for medicinal purposes.
- **26 June:** International Day against Drug Abuse and Illicit Trafficking.
- **Nasha Mukht Bharat Abhiyaan:** launched **15 August 2020** by the **Ministry of Social Justice and Empowerment** (nodal ministry for drug demand reduction).
- **CPTED** (Crime Prevention Through Environmental Design): **C. Ray Jeffery**, **1971**. (Asked in 2023.)
- **Defensible space:** **Oscar Newman**, **1972**.
- **Broken windows:** **James Q. Wilson and George L. Kelling**, *The Atlantic Monthly*, **March 1982**.
- **Situational crime prevention:** **Ronald V. Clarke** (UK Home Office Research Unit, late 1970s and 1980s).
- **Routine activity theory:** **Cohen and Felson**, **1979**.

Explained

1. Understanding deviance

- **Positive deviance:** departure from norms in an approved direction (a whistle-blower, a saint, a genius). Negative deviance draws sanctions.
- **Durkheim:** deviance is "normal" and even useful: punishing it marks the moral **boundaries** of a group (see SOC-WT-01). **Kai Erikson** (*Wayward Puritans*, 1966) developed this boundary-maintenance idea.
- **Stigma:** a discrediting mark that spoils identity, **Erving Goffman**, *Stigma* (1963).
- **Moral panic:** exaggerated public alarm about a group seen as a threat ("folk devils"), **Stanley Cohen** (1972), on the Mods and Rockers in Britain.
- **Primary deviance** is the first rule-breaking act, which the person explains away. **Secondary deviance** follows when the person accepts the label and organises life around it. This is why probation and diversion try to avoid labelling first offenders.

2. Control as a barrier to deviance

Kind	Agents	Means
Informal	family, peers, caste, religion, neighbours	praise, ridicule, gossip, ostracism
Formal	legislature, police, courts, prisons, probation	laws, arrest, sentence, supervision
Internal	the person's own conscience	guilt, self-respect

- Control theories of crime ask why most people **do not** offend: **Reckless** (containment, 1961) and **Hirschi** (social bond, 1969). See CR-CB-04.

3. Alcoholism

- **Alcoholism:** repeated drinking that harms health, work or relationships, with loss of control and dependence. WHO treats it as a **dependence syndrome**.
- **E.M. Jellinek** (*The Disease Concept of Alcoholism*, 1960): alcoholism as a disease, with phases **pre-alcoholic** → **prodromal** → **crucial** → **chronic**.
- **Alcoholics Anonymous:** a self-help group founded in **1935** at Akron, Ohio (USA); the "twelve steps".
- **Link with crime:** drink is a common factor in assault, domestic violence, road deaths and offences committed under its influence.
- **Law:** public drunkenness that annoys others is punished under **BNS section 355** (old IPC 510): up to 24 hours' simple imprisonment, fine up to ₹1,000, or **community service**. **Intoxication as a defence:** only if **involuntary** (BNS 22, old IPC 85); voluntary intoxication is no excuse (BNS 23, old IPC 86).

4. Drug abuse and the NDPS Act

- **Causes:** peer pressure, curiosity, stress, family conflict and poor parent-child communication, easy supply, and synthetic drugs from the pharmaceutical industry. (A 2023 A-R item tested two such causes.)
- **Narcotic drugs** (coca, cannabis, opium and their products) vs **psychotropic substances** (listed synthetics such as LSD, amphetamines, diazepam).

- **Cannabis** under the Act means charas and ganja (flowering or fruiting tops); **bhang (leaves and seeds)** is **outside** the definition of ganja.
- **Graded punishment by quantity** (since the 2001 amendment), e.g. sections 20–22:

Quantity	Rigorous imprisonment	Fine
Small	up to 1 year (6 months before the 2014 amendment)	up to ₹10,000 (or both)
More than small, less than commercial	up to 10 years	up to ₹1 lakh
Commercial	10 to 20 years	₹1 lakh to ₹2 lakh

- **Section 27, consumption:** up to 1 year or fine up to ₹20,000 (or both) for cocaine, morphine, heroin and similar; up to 6 months or ₹10,000 for other drugs.
- **Section 64A:** an addict charged with consumption or a small quantity gets **immunity from prosecution** if he volunteers for de-addiction treatment and completes it.
- **Section 39:** the court may release an addict convicted under section 27 for **de-addiction treatment** instead of sentencing him.
- **Section 33:** the **Probation of Offenders Act and CrPC 360 (now BNSS 401) do not apply** to NDPS convicts, **unless** the offender is **under 18** or the offence is under section 26 or 27. (Asked in 2023: probation "cannot be granted" for NDPS crimes.)
- **Section 37:** offences are cognizable and non-bailable; bail for offences under sections 19, 24 and 27A and for commercial quantity only if the court is satisfied the accused is not guilty and will not offend on bail.
- **Section 31A:** death penalty possible for a repeat offence involving large quantities; since **2014** it is discretionary.
- **International base:** Single Convention on Narcotic Drugs (**1961**), Convention on Psychotropic Substances (**1971**), UN Convention against Illicit Traffic (**1988**).

5. Crime prevention

- **Three levels** (Brantingham and Faust, 1976): **primary** (whole population and environment: lighting, education), **secondary** (at-risk groups and places), **tertiary** (known offenders: probation, treatment, rehabilitation).
- **Social (developmental) prevention** tackles root causes: poverty, schooling, family. **Situational prevention** reduces opportunities at the place of crime.
- **Situational crime prevention (Clarke):** rests on **rational choice** (offenders weigh effort, risk and reward). Its techniques fall under five heads: **increase the effort, increase the risks, reduce the rewards, reduce provocations, remove excuses**.
- **Routine activity theory (Cohen and Felson, 1979):** crime occurs when a **motivated offender** and a **suitable target** meet in the **absence of a capable guardian**.
- **CPTED (Jeffery):** change the built environment to reduce crime. Common principles: **natural surveillance, natural access control, territorial reinforcement, maintenance**.

- **Defensible space (Newman)**: from a study of New York public housing. Four elements: **territoriality, natural surveillance, image, milieu**. High-rise blocks with anonymous corridors had more crime.
- **Jane Jacobs** (1961) earlier argued for **"eyes on the street"**: busy, mixed-use streets are safer.
- **Broken windows**: visible disorder (broken windows, graffiti, public drinking) signals that nobody cares and invites serious crime, so fix small disorder early. It inspired **"zero tolerance"** policing in New York in the 1990s.
- **Community policing**: police and residents work as partners to find and fix the causes of crime. (Asked in 2023.)

AP angle

- **Anti-arrack movement**: began in **1992** in **Dubagunta** village, Nellore district, led by rural women, after an adult-literacy lesson; it led to a ban on arrack from **1 October 1993**.
- **Total prohibition** was introduced in Andhra Pradesh in **January 1995** (N.T. Rama Rao government) and lifted in **1997**.

Common traps

✗ "CPTED was proposed by Oscar Newman." ✓ **C. Ray Jeffery** (1971). Newman gave **defensible space** (1972).

✗ "Broken windows theory was given by Cohen and Felson." ✓ **Wilson and Kelling** (1982). Cohen and Felson gave **routine activity theory** (1979).

✗ "Primary and secondary deviance are Becker's terms." ✓ They are **Lemert's** (1951). Becker is linked to labelling (*Outsiders*, 1963).

✗ "Moral panic was given by Albert Cohen." ✓ **Stanley Cohen** (1972). **Albert Cohen** gave the **delinquent subculture** theory.

✗ "NDPS Act, 1986." ✓ **1985**. The NCB was set up in **1986**.

✗ "An NDPS convict can always get probation." ✓ Section 33 bars probation unless the offender is **under 18** or the offence is under section **26 or 27**.

✗ "Bhang is ganja under the NDPS Act." ✓ Leaves and seeds (bhang) are **excluded**; ganja means flowering or fruiting tops.

✗ "Every deviance is a crime." ✓ Only deviance forbidden by **law** is crime.

Quick revision

- Deviance: beyond the community's tolerance limit (Clinard); relative to time and place.
- Lemert 1951: primary vs secondary deviance; Becker 1963: labelling; Goffman 1963: stigma.

- Stanley Cohen 1972: moral panic; Kai Erikson: boundary maintenance.
- NDPS Act 1985; NCB 1986; PITNDPS 1988; Article 47 prohibition.
- NDPS: small / intermediate / commercial quantity; s.27 consumption; s.64A immunity for addicts in treatment.
- NDPS s.33: no probation except under-18 or s.26/27 offences.
- Jellinek: disease concept of alcoholism; AA 1935.
- Prevention: primary, secondary, tertiary; Clarke: situational prevention.
- Jeffery 1971 CPTED; Newman 1972 defensible space; Jacobs "eyes on the street".
- Wilson and Kelling 1982 broken windows; Cohen and Felson 1979 routine activity.