

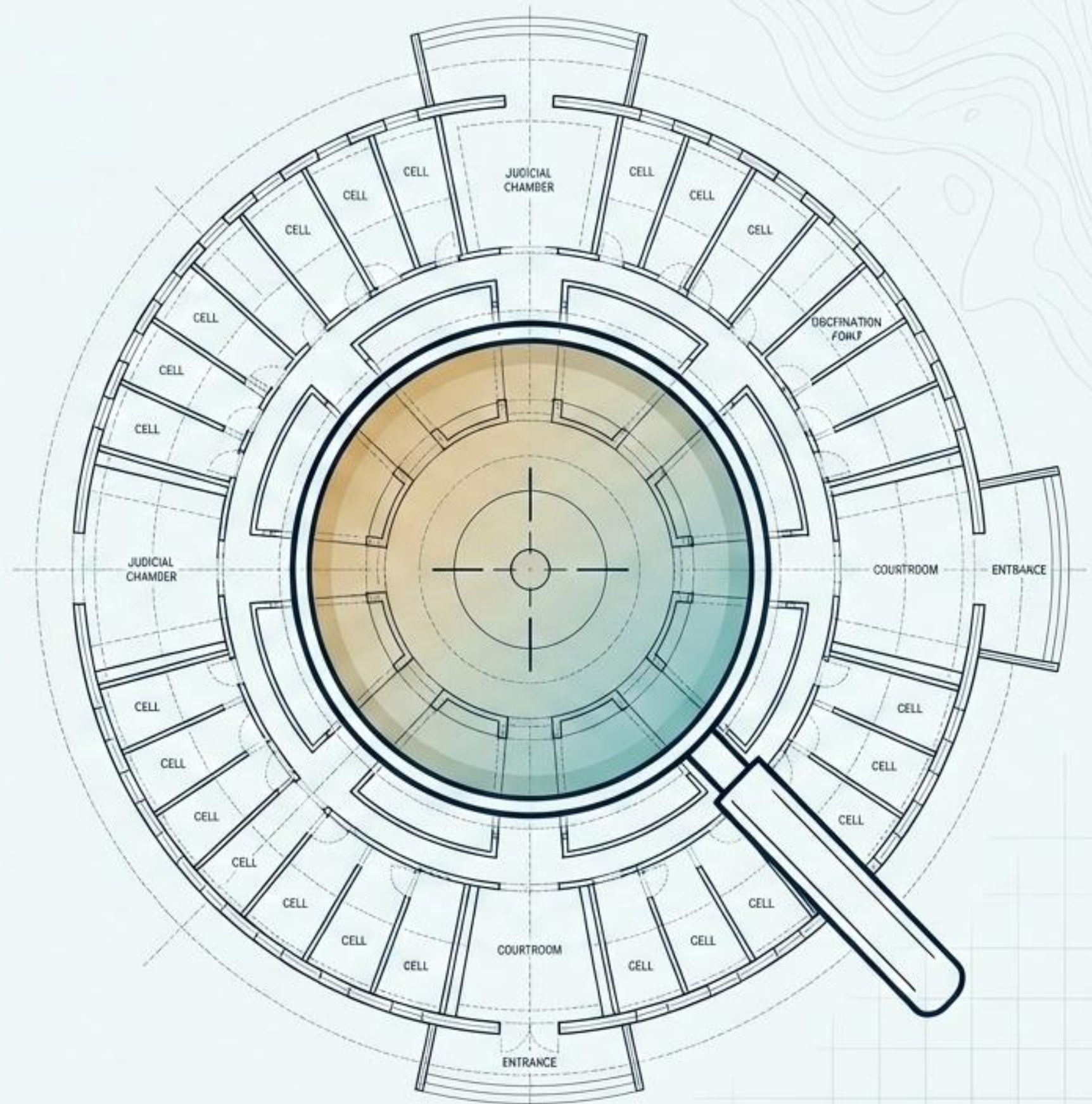
The Emergence of Criminology

Tracing the Analytical Shifts
from the Offense to the Offender

CRIMINOLOGICAL INSIGHTS

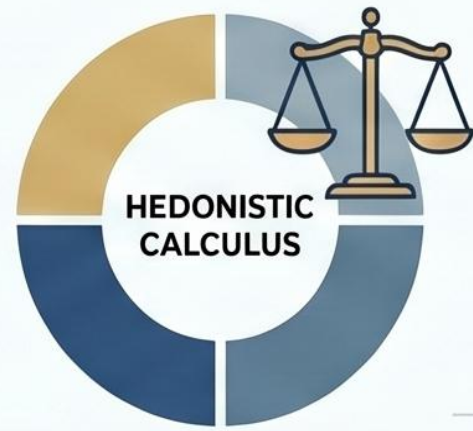
BY

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THE EVOLUTION OF CRIMINOLOGY: FROM LEGALISM TO SCIENCE

THE CLASSICAL SCHOOL (THE LEGAL APPROACH)



FOCUS ON THE CRIMINAL ACT

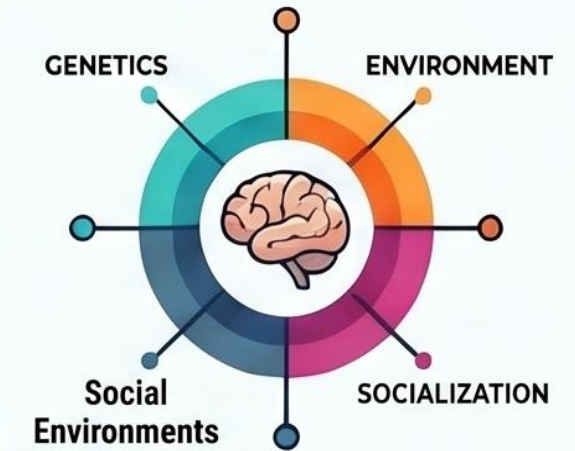
Defined by the motto "Let the punishment fit the crime" through fixed legal codes.

DOCTRINE OF FREE WILL

Assumes individuals are hedonistic, choosing crime by weighing pleasure against potential pain.

Transition from religious views of crime to the structured study of law and behaviour

THE POSITIVE SCHOOL (THE SCIENTIFIC APPROACH)

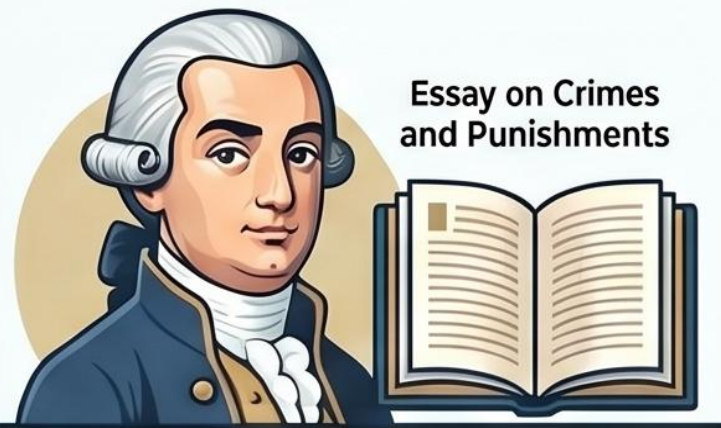


FOCUS ON THE INDIVIDUAL OFFENDER

Replaced legal speculation with evidence based study of the offender's biological and social traits.

DETERMINISM OVER FREE WILL

Argues that crime is caused by inherited factors or social environments beyond individual control.



CESARE BECCARIA (1764)

His "Essay on Crimes and Punishments" directly led to the codification of European laws.

| FEATURE | CLASSICAL SCHOOL | POSITIVE SCHOOL |
|--------------|---------------------------|-------------------------------|
| CORE CONCEPT | Free Will & Hedonism | Determinism (Caused Behavior) |
| MAIN FOCUS | The Legal Offence | The Individual Behaviour |
| OBJECTIVE | Deterrence via Punishment | Rehabilitation via Treatment |



THE "HOLY THREE" OF CRIMINOLOGY

Lombroso, Garofalo, and Ferri pioneered the use of objective, scientific methods in research

Defining the Discipline: The Epistemological Debate

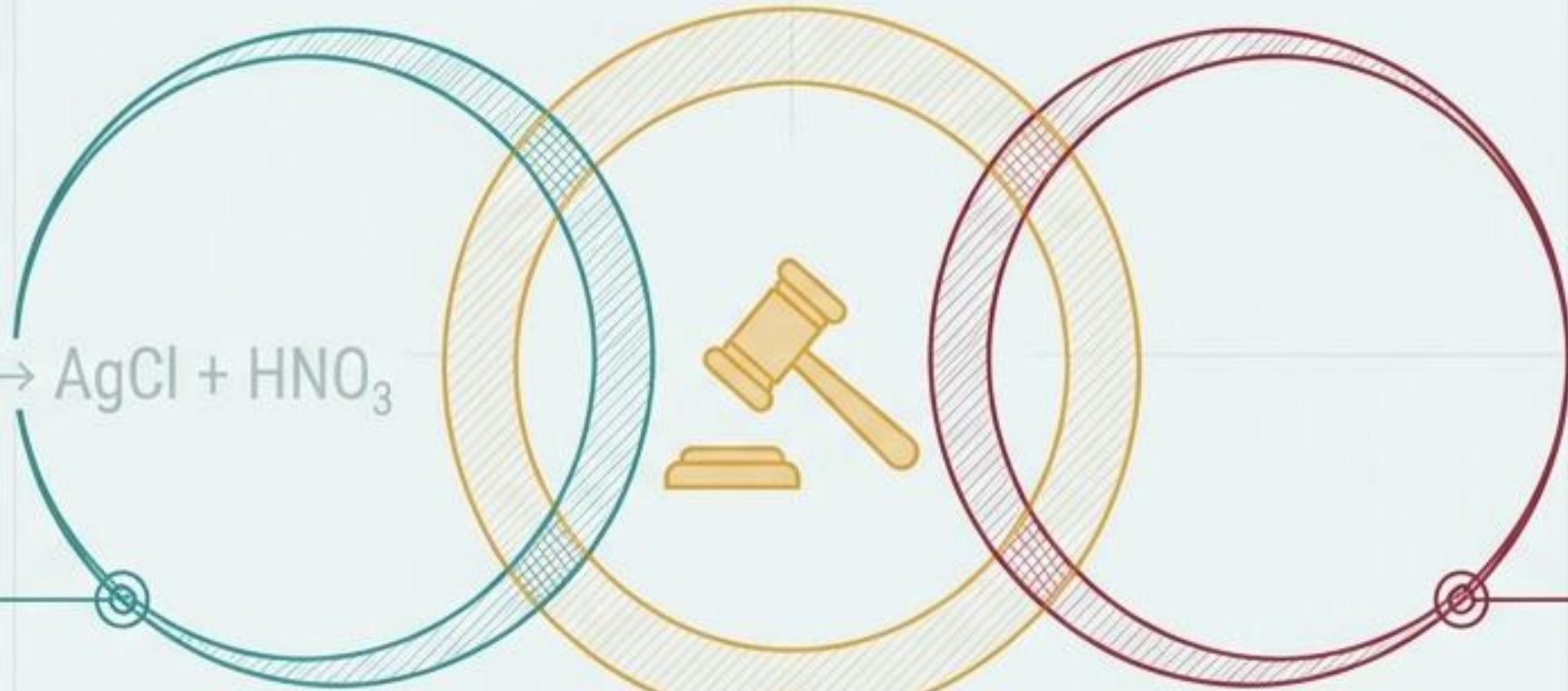


Crime is a sociopolitical event, not a clinical or medical condition that can be distinctly diagnosed and treated. It is behavior defined by law as sufficiently deviant to merit societal intervention.



The Science

Menninger & Johnson:
Criminology is an autonomous science manned by academic and research scholars.



The Art

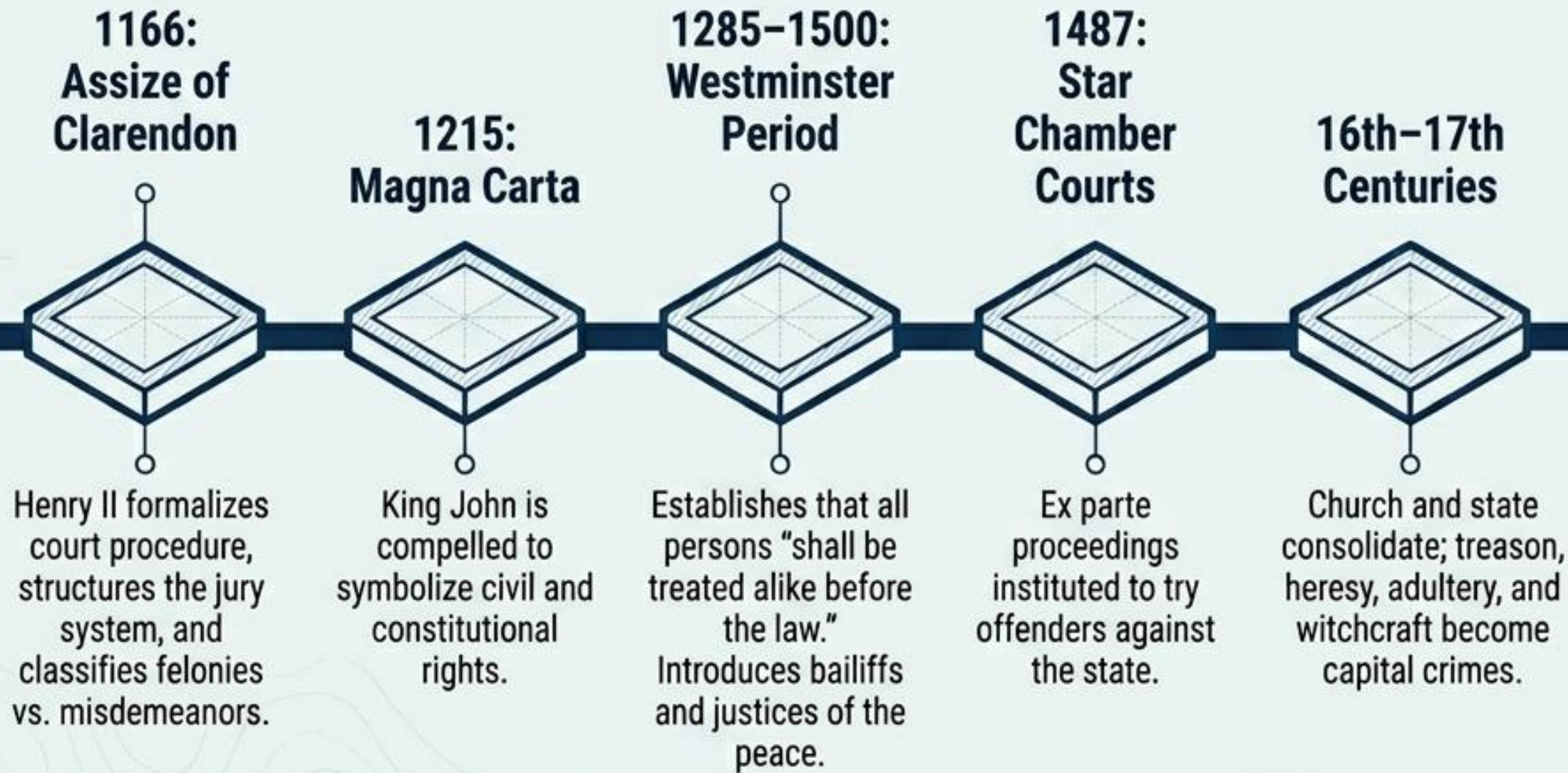
Sutherland & Cressey: Not a science itself, but an art based on behavioral and social sciences, infused with religion and law (akin to medicine).



The Applied Practice

Caldwell: An applied science administered by practitioners in the criminal justice system.

The Pre-Classical Era: From Vengeance to Procedure (1166–1700s)



The Baseline Reaction:

Prior to the 18th century, the legal focus was entirely on the protection of the state. Punishments were arbitrary, harsh, and represented vengeance rather than justice.

The Great Paradigm Shift



Stage 1: The Offense.

The Classical School emphasized legal concerns, focusing entirely on the act to protect society.

Stage 2: The Offender.

The Positive School rejected strict legalities, focusing instead on diagnosing and treating the individual.

Stage 3: The Environment.

Modern schools synthesize these views, treating the offender as an instrument of broader social dysfunctions.

Crime / Offense Focus

Beccaria
Bentham
Doe

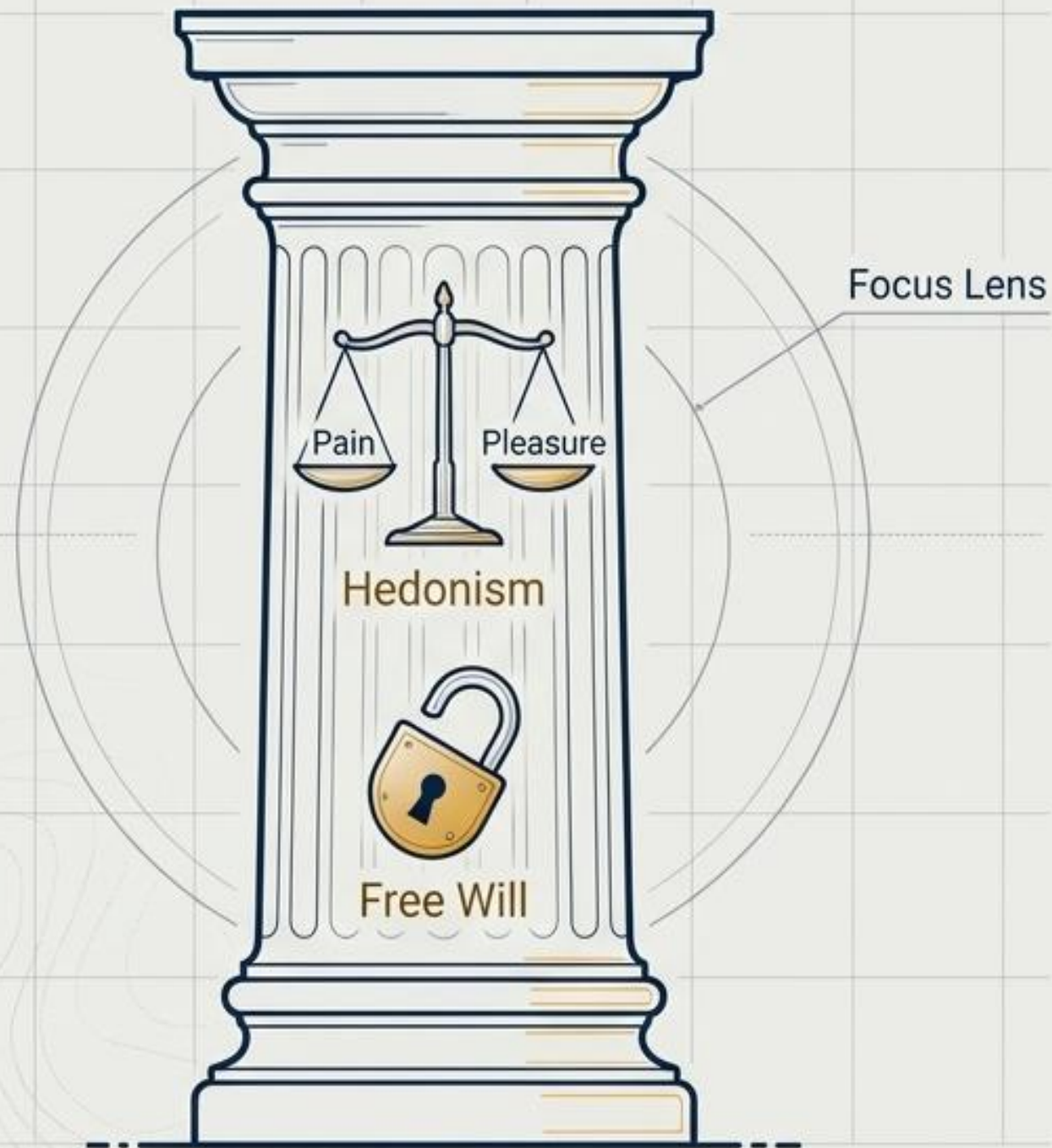


Individual / Offender Focus

Lombroso
Garofalo
Ferri

The Classical School (1764): Rationalizing the Law

Initiated by Cesare Beccaria's *Essay on Crimes and Punishments* (1764) and heavily influenced by Jeremy Bentham's felicific calculus. It rejected supernatural causes of crime, substituting human intent and rational deterrence.

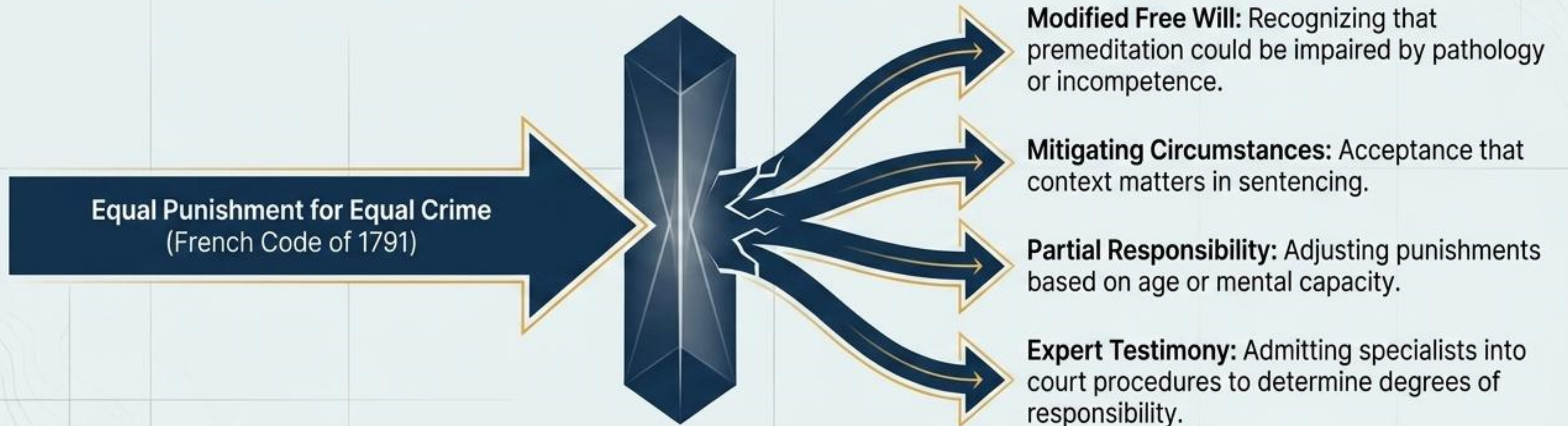


1. **Utilitarianism:** Social action must yield the greatest happiness for the greatest number.
2. **Societal Injury:** Crime is strictly defined as an injury to society.
3. **Prevention Over Punishment:** Publishing laws rewards virtue and prevents crime through certainty.
4. **Abolition of Torture:** Secret accusations and torture must end; trials must be speedy.
5. **Deterrence Over Revenge:** The purpose of punishment is strictly to deter.
6. **Improved Imprisonment:** Incarceration should be widened but structurally improved.

“Let the punishment fit the crime.”

The Neoclassical Adjustment (Early 1800s)

The implementation of Classical theory proved too rigid. Treating first-time offenders, repeaters, minors, and the “insane” identically based solely on the criminal act was practically unworkable.



Equal Punishment for Equal Crime
(French Code of 1791)

Modified Free Will: Recognizing that premeditation could be impaired by pathology or incompetence.

Mitigating Circumstances: Acceptance that context matters in sentencing.

Partial Responsibility: Adjusting punishments based on age or mental capacity.

Expert Testimony: Admitting specialists into court procedures to determine degrees of responsibility.

Historical Milestone

The 1843 McNaghten Rules formally defined legal insanity in England after a political assassination attempt was driven by delusion.

The Positive School: “The Holy Three” & Determinism

An explicit rejection of “free will.” The Positive School held that behavior is caused, and that legal findings must be based on scientific proof and evidence rather than philosophical speculation. The focus shifted entirely to the offender.



Cesare Lombroso (The Biologist)



Published *The Criminal Man* (1876). Asserted the “born criminal” was an evolutionary throwback identified by physical anomalies. Initiated the objective scientific method.

Enrico Ferri (The Determinist)



Denied free will entirely. Placed priority on the interrelation of social, economic, and political factors over strict biology. Advocated for preventive environmental measures (better street lighting, savings banks).

Raffaele Garofalo (The Sociologist)



Defined “natural crime” as offenses violating basic altruistic sentiments (probity and pity). Applied Darwinian natural selection, advocating elimination or segregation for those incapable of social adaptation.

The Psychological & Statistical Evolution (1890s–1910s)



By the 1930s, psychology and psychiatry replaced physical anthropology – as the accepted scientific tools of the criminal justice team.

The American School: Sociological Causation

Heavily influenced by European precursors like Adolphe Quetelet (“social physics”) and Gabriel Tarde (laws of imitation), the American School firmly established criminology as a sociological discipline.

Society Prepares the Crime

Quetelet argued that societal conditions dictate criminality, and the guilty person is merely the instrument by which the crime is accomplished.



Learned Behavior

Tarde proposed association and learning as explanations of crime, directly countering biological inheritance theories.

Institutional Establishment

Scholars like John L. Gillin (1914) and Edwin H. Sutherland (1924) anchored criminology as a legitimate sub-specialty of sociology in American universities, emphasizing environment over innate degeneracy.

The Social Defense School

Advanced by Marc Ancel and Filippo Gramatica. It is a revolt against pure Positivism, bringing the rule of law back into the picture, but re-engineering the law to focus on socialization rather than vengeance.



Neutralization over Retribution

Dealing with crime is a method of protecting society, not punishing the individual. Protection is achieved via removal, segregation, or remedial education.

Individual Resocialization

Favors a tailored, individual approach aimed at restoring the offender to society rather than collective, rote sentencing.

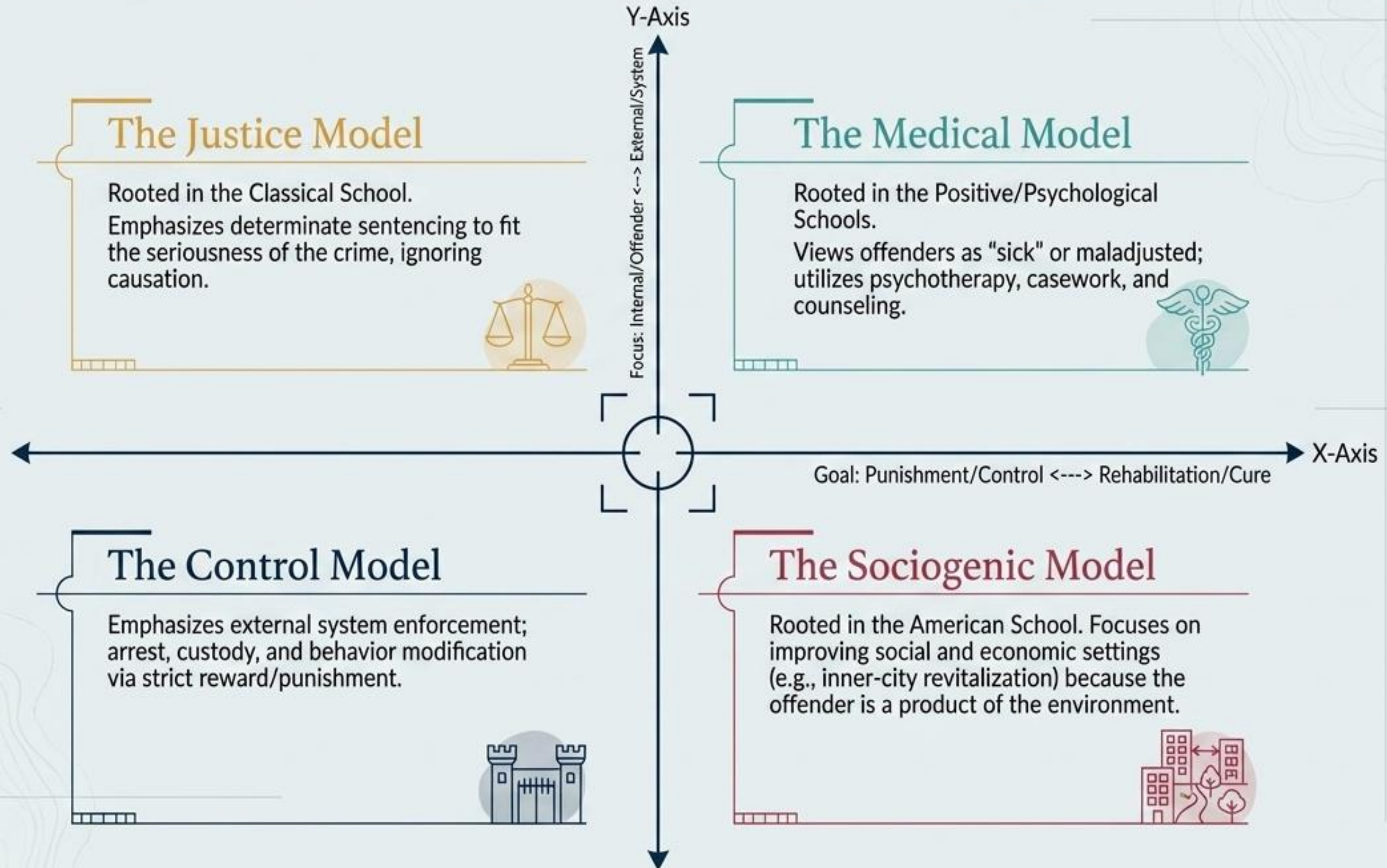
Humanization of Penal Law

The system must restore self-confidence and personal responsibility, utilizing scientific understanding of the offender's personality while stripping away archaic legal fictions of mere intent.

Master Matrix: The Criminological Paradigms Compared

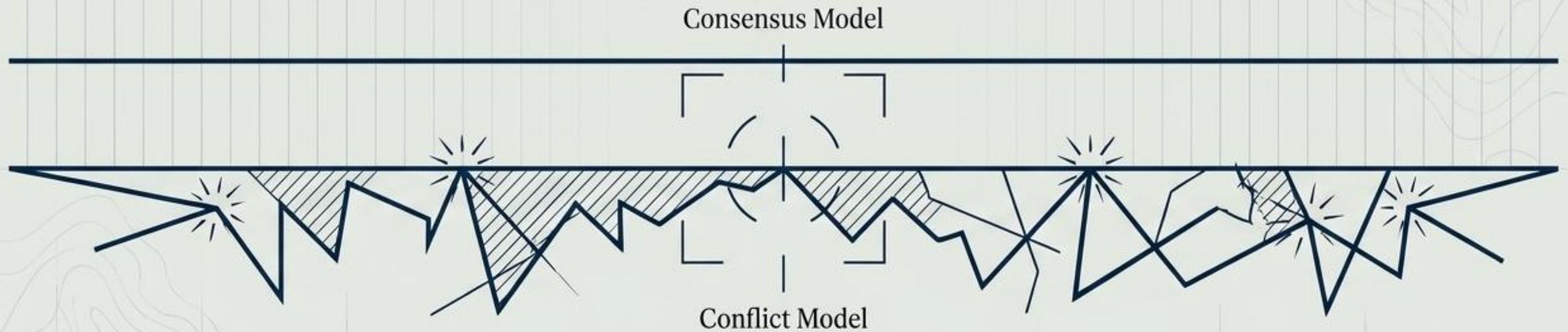
| | Classical | Positive | American | Social Defense |
|--------------------------|---|--|---|--|
| Era & Key Thinkers | 1764 (Beccaria, Bentham) | 1876 (Lombroso, Ferri, Garofalo) | 20th C. (Quetelet, Sutherland) | Post-WWII (Ancel, Gramatica) |
| View of Human Nature | Absolute Free Will / Hedonistic | Deterministic (Biological/Physical) | Deterministic (Sociological/Learned) | Adaptable / Scientifically Analyzable |
| Primary Analytical Focus | The Offense (The Act) | The Offender (The Actor) | The Environment (The Society) | Synthesis (Law + Offender + Environment) |
| Prescribed Solution | Uniform punishment for deterrence. | Treatment, reform, or isolation based on type. | Environmental modification and social reform. | Resocialization and neutralization without punitive vengeance. |

Modern Practice: The Four Modalities of Criminology



The Dual Nature of Justice

Modern criminology views society through two lenses simultaneously: The Consensus Model (assuming stability, integration, functionality) and the Conflict Model (assuming change, dysfunctionality, coercion). Crime identifies the friction points between the two.



“Crime has been seen as an identification of problem areas in any society... one has to forgive one’s enemies, but not before they have been hanged. There is little grace in justice.”

— Newman (1978)

To understand human deviation and structure a functional social order, modern justice must leverage the entire analytical blueprint—from the rigid calculations of the Classical law to the empathetic science of Social Defense.