

**CORPORAL PUNISHMENT-HOW EFFECTIVE TO
PREVENT OFFENCE**

DISSERTATION
Submitted in the Partial Fulfilment for the Degree of
MASTER OF LAW'S (LL.M.)
SESSION: 2019-20



UNDER SUPERVISION OF:

Dr. SARITA SINGH
ASSISTANT PROFESSOR
SoLS, BABU BANARASI DAS
UNIVERSITY, LUCKNOW.

SUBMITTED BY:

APURVA SINGH
ROLL NO- 1190997013
SoLS, BABU BANARASI
DAS UNIVERSITY.

DECLARATION

Title of Project Report: - **“CORPORAL PUNISHMENT-HOW EFFECTIVE TO PREVENT OFFENCE”**.

I understand what plagiarism is and am aware of the University’s policy in this regard.

APURVA SINGH

I declare that

- (a) The work submitted by me in partial fulfilment of the requirement for the award of degree **LLM** Assessment in this **DISSERTATION** is my own, it has not previously been presented for another assessment.
- (b) I declare that this **DISSERTATION** is my original work. Wherever work from other source has been used, all debts (for words, data, arguments and ideas) have been appropriately acknowledged.
- (c) I have not used this work previously produced by another student or any other person to submit it as my own.
- (d) I have not permitted, and will not permit, anybody to copy my work with the purpose of passing it off as his or her own work.
- (e) The work conforms to the guidelines for layout, content and style as set out in the Regulations and Guidelines.

Date: 20 / 05 / 2020

APURVA SINGH
UNIVERSITY ROLL No.
1190997013
LL.M. (2019-20)

Table of content-

Introduction

Punishment of offences prevailing in India

Ancient time

Modern era

Khap Panchayat

IPC

Theories of punishment

Criminal theories of crime

Sigmon freud-father of psychoanalysis

Theories of causes of crime

Unlawful assembly prevention act

Death punishments in India

Bois locker case

Priyanka reddy case

Victimless crimes

Conclusion

Suggestions

Chapter 1

INTRODUCTION

The word 'Punishment' has not been defined under the Indian Penal Code but it simply provides the forms of punishment. Punishment according to dictionary, involves the infliction of pain or forfeiture, it is infliction of penalty, chastisement or castigation by the judicial arm of the state and according to the E. Westermarck²⁵ "Punishment is limited to such suffering as is inflicted upon the offender in a definite way by, or in the name of the society of which he is a permanent or temporary member." The main purpose of punishment is not only to punish the wrongdoer but also to maintain peace and harmony in the society. According to dictionary meaning, the word 'Punish' means 'to make someone suffer for a crime or for a bad behaviour or the imposition of penalty as retribution for an offence'. In Criminal law, 'Punishment' means 'any pain, penalty, suffering inflicted upon a person by the authority of law and the sentence of the court for some crime committed by him or for his omission of a duty enjoined by law'. The punishment maintains law and order, it protects the person and the property. The offenders refrain from wrongdoing for the fear of punishment and therefore, the punishment and law are inseparable. The concept of the punishment has also been recognized in the Dharmashstra. In the Hindu shastras, The King had the power to punish the law breaker and protect the law abider. According to Manu, ²⁵ E Westermarck : The origin and Development of the moral ideas, p. – 189 ²⁵ King was Danda Chhatra Dhari, i.e. the holder of punishment and protector. For him, punishment was the essential characteristics of law and he justified the punishment to keep the people under control and protects them, Manu says that 'punishment remains awake when the people are asleep, so the wise have recognized punishment itself as a form of Dharma'.

Thus, it is clear that the punishment is one of the oldest method of controlling crime and criminality. The object of the punishment is not only to reform the offender but also to deter him and others from committing the offences and to protect the society. There are different forms of punishments and it changes with the changing of times. The methods of executing the sentence are also changed and supporting human rights. As in the past we have seen that the death sentence was awarded for a small- small cause but it has been awarded only in the 'rarest of the rare case'. Still some societies use ancient forms of cruel punishment but the punishment have also evolved along with civilization and has become less cruel. Now, the severity of punishment depends on the crime and a person is punished with the severe forms punishment only if he commits the serious crimes. To see the transformation of punishment from the Ancient India to Modern India, the forms of punishments have been divided under the following two heads –

26Manu Smriti VII 8 26 (1) Forms of Punishment Prevailing in Ancient India :- The history of penal system states that during the past the punishment were tortuous, cruel and barbaric in nature. The object of the punishment was the deterrent and retribution. Due to this Penal system, the crimes were less in numbers. Such punishments are categorized in the following heads –

- (a) Capital Punishment
- (b) Corporeal Punishment
- (c) Social Punishment
- (d) Financial Punishment.

(a) Capital Punishment :- According to dictionary meaning, 'Capital Punishment' means the 'legally authorized killing of someone as a punishment of crime, a death penalty for a crime'. In other words it means a government sanctioned practice where a person is put to the death by the state as a punishment for a crime. During the Ancient time, the capital punishment was executed for a small – small crime. It is the most extreme form of punishment. The methods of execution of death penalty have varied from time to time. There were so many forms of executing the death penalty in which some popular forms are –

- (i) Stoning
- (ii) Pillory
- (iii) Construct in to wall
- (iv) Throw under the leg of elephant.

(i) **Stoning** :- 'Stoning' is that method of capital punishments in which a group of people throws stones at a person until they die. In it, the guilty person is made to stand in a small trench dug in the ground and the people surround him from all sides and throw stones on him until his death. This mode of punishment is still in vogue in some of the Islamic countries, specially in Afghanistan, Saudi-Arabia etc. Although it is barbaric in nature but due to it the sex crimes are well under control in these countries.

(ii) **Pillory** :- In 'Pillory', the offender was compelled to stand in public place and his head and hands were locked in an iron frame so that he couldn't move and he could be whipped, branded or stoned or his ears were nailed to the beams of Pillory. Some times, the dangerous criminals were nailed in walls and shot or stoned to death. It is

undoubtedly was the cruel and brutal form of punishment which was in practice till 19th century.

(iii) **Construct into wall** :- In it the offender was constructed into wall. It was the most cruel, barbaric and the most painful form of execution of death penalty. A movie Neel-Komal has stated this kind of brutal punishment.

(iv) **Throw under the leg of elephant** :- In it, the offender was thrown under the legs of elephant, who was made intoxicated before putting the offender under his legs. A movie 'Bagawat' has stated this kind of punishment.

(b) Corporeal Punishment :-

Generally, 'Corporeal Punishment' means a 'punishment which is intended to cause physical pain on a person'. It is also known as Physical punishment. It is a punishment for the violation of 28 law which involves the infliction of pain on or harm to the body. The object behind Corporeal Punishment is not only to punish the offender but also to prevent the repetition of the offence by such offender or by any other person. The following are the Corporeal Punishment which are given in the ancient times:-

- (i) Flogging
- (ii) Mutilation
- (iii) Branding
- (iv) Pressured by iron rods
- (v) Tied the offender on roaming wheel
- (vi) Bilboes
- (vii) Rack
- (viii) Imprisonment.

- (i) **Flogging:** – ‘Flogging’ means ‘beating or whipping’. In other words, it means to beat someone with a stick or whip as a punishment. It was the most common method of punishing the criminal as a corporeal punishment. In India, it was recognized under the Whipping Act, 1864 which was repealed by the same act in 1909 but it was finally abolished in 1955. The method of flogging was differed from country to country. Some used straps and whips with a single lash while others used short pieces of rubber- hose as they left behind traces of flogging. It is one of the most barbarous and cruel form of Punishment. This method is being used in most of the Middle East Countries till today.
- (ii) **Mutilation** :– Generally, ‘Mutilation’ means ‘to cause severe damage to the body of a person’. In other words it means damaging a person severely especially by removing a part. This mode of punishment was in practice in Ancient India during Hindu period, In it, one or both of the hands of the person were chopped off if he committed theft, if he indulged in sex crimes his private part was cut off, if he tells lie or criticised the God his tongue was cut off, and if he is deceitful or untrustworthy his ears were cut off. This system was also in practice in the European countries. But in modern times this method is completely disregarded because of its barbaric nature.
- (iii) **Branding** :– Generally, ‘Branding’ means ‘searing of flesh with a hot iron’. In this method of punishment the prisoner was branded by the hot iron rod on the forehead of the culprit and the words were used according to the offence committed. This method was commonly used in oriental and classical societies. In Roman Penal Law, criminals were

branded with appropriate mark on their forehead so that, they could be identified and subjected to public ridicule. It is a forceful weapon to fight with the criminality. In India, it was in practice during the Moghul rule, which is now completely abolished.

(iv) Pressured by iron rods :- In this method of punishment the body of offender was pressured by the two iron rods in inhuman and cruel manner by which he suffers lot of pain. 30

(v) Tied the offender on roaming wheel :- In this method of punishment the offender was tied with a wheel, which moved in the speed for sometimes by which the offender was suffering with a lot of pain.

(vi) Bilboes :- According to dictionary meaning, 'Bilboes' is an iron bar with sliding shackles, formerly used for confining a prisoner's ankles. In this method of punishment, the legs of the offender were tied at both the ends of iron rods and were hanged on the roof by which he can't move.

(vii) Rack: - According to dictionary meaning, 'Rack' means 'an instrument of torture'. In this method of punishment the hands and legs of the offender were tied and were full, sometimes in opposite direction and sometimes by the elephant in the same direction which causes more pain and sometimes his portion also serves.

(viii) Imprisonment :- The Punishment of imprisonment which we have seen today is totally different from that kind of imprisonment which was awarded in the past. As some kingdom was awarding the imprisonment

by tiding the culprits with the iron instruments as an animals or put them into the well after tiding their hands and legs or closed them into darken and small room etc.

(c) Social Punishment :- 'Social Punishment' is a punishment in which a person is restrained to make any kind of contract from the other persons or to 31 move him at other places where he has no contact with the other persons and no person can help him in any manner otherwise he is also liable for the punishment for it. Social punishment is divided into two parts :-

(i) Banishment

(ii) Social Boycott

Banishment :- Generally, 'Banishment' means 'to expel a person'. It is also known as 'transportation'. In it, the undesirable criminals were transport to far off places with a view to eliminate them from their society. This type of punishment was also in practice at the time of British India. It was popularly known as 'kalapani'. At that time, the dangerous criminals were transport to the remote island abolished in 1955 and replaced by the "Imprisonment for life".

Social Boycott :- Generally, 'Social Boycott' means 'an act of forcing a person to abstain from any kind of contact with the other persons of the society'. In ancient period when the Nyaya Panchayat was in full form, they gave the punishment of social boycott to the offender. In it, no person of the village will share the 'hukka pani' with the offender. It means the offender is degraded from his caste and no caste member shares the Hukka i.e., smoking instrument, water and auspicious occasion of happiness etc. with him. In it, the person is expelled from the

society completely and restrained the other people to make any kind of contact with such person.

(d) Financial Punishment: – It is also known as imposition of fine. It was the common mode of punishment which was not serious in nature and it was awarded specially for the breach of traffic rules, revenue laws and in the minor offence. It also includes the payment of compensation to the victims of the crime and also the payment of the costs of prosecution.

Forms of Punishment prevailing in Modern India :-

Although some societies still use the ancient forms of the punishments but the punishment have also evolved along with the civilization and become less cruel or harsh. Now, the severity of the punishment depends on the crime. If the person commits the serious crime, he shall be liable to be punished with the severe forms of punishment. In the industrialized societies, the forms of punishment are either fines or terms of imprisonment or both. The object behind such punishment seeks to correct unlawful behaviour rather than simply punish wrongdoers. According to Section 53 of Indian Penal Code, the principle forms of punishments to which offenders are liable are as follows:-

- (a) Death sentence,
- (b) Imprisonment for life,
- (c) Imprisonment-
 - (i) Rigorous imprisonment (with hard labour), or
 - (ii) Simple imprisonment,
- (d) Forfeiture of property, and
- (e) Fine.

(a) Death sentence (Capital Punishment) :-

As we have already discussed earlier in this chapter that the ‘Capital Punishment’ means ‘the infliction of death by an authority’. In modern times, capital punishment is the most severe punishment of all, which is awarded for the severe offence. In modern times, it is the most debated subject among the modern penologist. It is not awarded for the small – small offences just like as in ancient period. It has been awarded only in case of severe offence. As the society changes, the concept or method of punishment and their severity also changes. Nowadays the death sentence is awarded only in ‘rarest of the rare case’ under Indian Penal Code, the punishment of death sentence is in alternative form for the crime. But before 1983, it was mandatory only for offence prescribed under Section 303 of Indian Penal Code, which was declared by the Hon’ble Supreme Court as an unconstitutional as it is violative of Article 14 and 21 of Constitution of India in the historic case of Mithu V/s State of Punjab²⁷ So, at present the punishment of death sentence is in alternative form for every crime. The following are the offences under the Indian Penal Code, in which death penalty may be awarded by the court :-

- (a) Waging War against the Government of India under Section 121.
- (b) Abetment of Mutiny, if Mutiny committed under Section 132.
- (c) Giving or Fabricating False Evidence upon which an innocent person suffers death under Section 194.

(d) Punishment for Murder under Section 302. 27 AIR 1983 SC 473 34

(e) Murder by Life Convict under Section 303, which is declared as unconstitutional in the case of Mithu v/s State of Punjab²⁸ .

(f) Abetment of Suicide of a Minor or an Insane or an Intoxicated Person under Section 305.

(g) Attempt to Murder by a Person who is under sentence of life imprisonment, if the hurt is caused under Section 307.

(h) Kidnapping for Ransom etc. under Section 364A.

(i) Dacoity with Murder under Section 396.

(j) Abettor or Conspirator of any of the offences punishable with Death and that offence is actually committed in consequences of that abetment under Section 109 and Section 120 B

(1) Read with Section 302 of Indian Penal Code. After the Criminal law (Amendment) Act, 2013 the following are the offences under Indian Penal Code in which death penalty may be awarded by the court :-

(a) Punishment for Rape resulting in Death or Permanent Vegetative State under Section 376A

(b) Punishment for Repeat Offenders of Rape under Section 376E. Besides Indian Penal Code, there are some other special laws in which Death penalty may be awarded such as offences under Armed forces Act, NDPS Act, 1985, Arms Act, 1959,

Commission of Sati Act, 1987 and under the Terrorist Acts, etc. 28 AIR 1983 SC 473 35

(b) Life Imprisonment :-

‘Life Imprisonment’ means ‘a person shall remain in jail for the rest of his entire life’. It is one of the best alternate to the death sentence for those offences in which either punishment can be awarded. There is no fixed term for Life Imprisonment but in case of the fraction of terms, it should be 20 years as per Section 57 of Indian Penal Code. The nature of Punishment of Life Imprisonment is rigorous imprisonment only, it can’t be simple in nature as it also decided by the Hon’ble Supreme Court in the case of Naib Singh V/s State²⁹ . In this mode of Punishment, the offender shall remain in jail for the entire period of his life, only his dead body will come from the Jail, but due to his good behaviour in the Jail, such sentence may be commuted by the appropriate Government in any other term of imprisonment which shall not exceed for the period of 14 years³⁰ Under Indian Penal Code, the punishment of Life Imprisonment is divided into four categories, which are as follows –

(i) Imprisonment for life is Minimum Punishment:- There are only three offences under Indian Penal Code, which are punishable with minimum of “Imprisonment for life and fine”. These offences are punishable with death, or imprisonment for life, and shall also be liable to fine. These offences are –

(1) Offence against the State under Section 121;

(2) Murder under Section 302; and

(3) Kidnap for ransom under Section 364A. 29 AIR 1983 SC 855 30 Section 55 of Indian Penal Code read with section 433 of Cr.P.C. 36

(ii) Imprisonment for life is with the option of death sentence and some specific term of imprisonment :- There are only Six offences under Indian Penal Code, which are punishable with “death or imprisonment for life or any term of imprisonment with fine”, namely-

(1) Abetment of mutiny, if mutiny is committed in consequence thereof under Section 132;

(2) Giving or fabricating false evidence with intent to procure conviction of capital offence and if innocent person be thereby convicted and executed under Section 194;

(3) Abetment of suicide of child or insane person under Section 305;

(4) Attempts to murder by life convicts under Section 307; and

(5) Dacoity with murder under Section 396.

(6) Repeated offenders of offences punishable under Section 376, 376A, 376D.

(i) Imprisonment for life is the sole punishment:- There is only one offence in Indian Penal Code under Section 311 which states that thug shall be punished with imprisonment for life and fine, it has mandatory punishable for life imprisonment.

(ii) Imprisonment for life is maximum punishment:- Besides the abetment and conspiracy there are forty nine offences for which maximum punishment is “imprisonment for life” in the option of less

imprisonment in term. 37 Besides Indian Penal Code, the punishment of Life Imprisonment may be awarded in some other special laws as offence under Anti Hijacking Act, 1982, Arms Act, 1959, Explosive Substance Act, 1908, Commission of Sati Act, 1987, S.C. or S.T. (Prevention of Atrocities) Act, 1989, etc.

(c) Imprisonment :-

According to dictionary meaning, the 'Imprisonment' is 'an act of putting some one in prison or in Jail as a lawful punishment'. In other words, it means to put a person behind the bars because of the offence committed by him. Besides the Life Imprisonment, the punishment of imprisonment is divided into the following categories:-

- (i) Rigorous Imprisonment
- (ii) Simple Imprisonment
- (iii) Solitary Confinement.

Rigorous Imprisonment :- Generally, 'Rigorous Imprisonment' means 'hard labour'. In Rigorous Imprisonment, the offender is compelled to do hard labour or hard work in the Jail such as grinding corn, digging earth, drawing water, cutting fire wood etc. In British era, it meant for the breaking rocks and making roads etc. But nowadays these kinds of works are not in practice and the offender who is undergone the Rigorous Imprisonment, manufactures the clothes, furniture etc and making the pickle, papad and other food items for which they get the fixed wages.

- (ii) **Simple Imprisonment:-** In Simple Imprisonment the offender is confined to Jail simply and he is not compelled to do any kind of work but they can be asked to work at their own choice with wages. Every offence which is punishable with the imprisonment also provides for the description of imprisonment, it may be either rigorous or simple but where such description has not specialized

clearly, then it depends upon the discretion of the court. It means, in every case in which an offender is punishable with imprisonment of either description, the court may direct that such imprisonment shall be wholly rigorous or wholly simple or partly rigorous and partly simple³¹ .

(iii) Solitary Confinement :-

‘Solitary Confinement’ means ‘keeping a person isolated from any kind of contact with the outside world’. It is conflicted with a view that feeling of loveliness may produce an influence on the mind of offender and thus reform him. It is that kind of punishment, which exploits the social nature of the offender and keeps the offender isolated from any kind of contact with any other person. Due to which there is a possibility that the offender might realize his guilt and may repent. The Section 73 and 74 of the Indian Penal Code provides for the solitary confinement, in which Section 73 provides that whenever any person is convicted of an offence for which the court has power to sentence him to rigorous imprisonment, the court may order that he shall be kept in solitary confinement for any portion of his imprisonment which shall not exceed three months in a whole, according to the following scale—

Sr. No.	Terms of Imprisonment	Period of Solitary Confinement
1	Upto 6 months	1 month
2	From 6 months to 1 year	2 months
3	Above 1 year	3 months

According to Section 74, the Period of Solitary Confinement shall not exceed-

- (a) 3 months in all,
- (b) 14 days at a time with intervals of not less than 14 days, and
- (c) 7 days in a month, with intervals of at least 7 days if term of imprisonment exceeds 3 months.

Solitary Confinement can be awarded by a Magistrate of first class.

(d) Forfeiture of Property :- According to dictionary meaning the word 'Forfeiture' means 'something that is lost or surrendered as a penalty' and the word 'forfeiture of property' means 'the loss of property or money because of a breach of legal obligation'. In other words, it means involuntary relinquishment of property without compensation as a consequence of a breach of some legal obligation or the commission of crime. Forfeiture of Property under Indian Penal Code was provided for in Section 61 and 62 which were subsequently repealed in 1921, But at present, these are three Sections in Indian Penal Code which described about the forfeiture of the property, these are :-

- (i) Property used or intended to be used in committing depredations on the territories of a friendly country (Section 126).
- (ii)
- (iii) Property received with the knowledge that the same has been taken by waging war or committing depredations under Sections 125 and 126 respectively (Section 127).
- (iv) Property purchased by public servant who is legally prohibited to purchase or bid for such property (Section 169).

(d) Fine :-

Generally, 'Fine' means 'imposing of monetary liability on an accused in consequences of the offence committed by him'. There are some offences which provide fine with imprisonment and some offences are punishable with the term of imprisonment, or with fine, or with both and some offences are punishable with the fine only. Where the amount of fine is prescribed for any offence then the offender is liable for that amount but where such amount is not prescribed then the amount of fine depends upon the discretion of the court. According to Section 63 of Indian Penal Code - "Where no sum is expressed to which a fine may extend, the amount of fine to which the offender is liable is unlimited, but shall not be excessive." If the court has sentenced the accused for the payment of fine, it shall be paid by him. But if he does not pay the fine, he shall be liable to the imprisonment in default of payment of fine as per the order of the court. The provision relating to the imprisonment in default of payment of fine has been given under Section 64 to 70 of Indian Penal Code which provides that - In every case of an offence punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment then in default of payment of the fine, the offender shall suffer imprisonment for a certain term, which shall not exceed one-fourth of the term of imprisonment and it is in addition to the main term of imprisonment. If the offence be punishable with fine only, the imprisonment which the Court imposes in default of payment of the fine shall be simple, and it shall be according to the following table -

Amount of fine	The term of imprisonment shall not exceed
Rs. 50	2 Months
Rs. 51-100	4 Months
Above Rs. 100	6 Months

The fine, or any part thereof which remains unpaid may be levied at any time within six

years after the passing of the sentence, and if, under the sentence, the offender be liable to imprisonment for a longer period than six years, then at any time previous to the expiration of the period; and the death of the offender does not discharge from the liability any property which would, after his death, be legally liable for his debts. Besides it, the Section 30 of Cr. P.C. Provides that—

(1) The Court of a Magistrate may award such term of imprisonment in default of payment of fine as is authorised by law : Provided that the term –

(a) is not in excess of the powers of the Magistrate under Section 29;

(b) shall not, where imprisonment has been awarded as part of the substantive sentence, exceed one-fourth of the term of imprisonment which the Magistrate is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

(2) The imprisonment awarded under this section may be in addition to a substantive sentence of imprisonment for the maximum term awardable by the Magistrate under Section 29. It means when the accused doesn't pay the fine as ordered by the court, then the court may award the imprisonment in default of payment of fine, which shall not exceed 1/4 of the term of imprisonment provided for the offence. It shall be in addition to a substantive sentence of imprisonment provided for the offence. It shall not affect the power of the punishment of the court provided under Section 29 of the Cr. P. C. There are some other laws which provide the fine for the offence which is not serious in nature. Some laws provide for exemplary fine for the Violation of I.T. Act (up to 5 crores) Violation of Copy Rights, Trademark, Design, N.D.P.S. Act, etc. Besides the above mode of punishment prevailing in Modern India,

the court may order the accused to furnish security bond for good behaviour in case of offences which is not serious in nature. The provisions relating to security bond have been given under Section 106 to 110 of Cr. P.C., 1973. Although it is not a punishment but it may serve a useful purpose to restrain a person from committing a crime and to make him a law abiding citizen. This is better than those who are imprisoned or subjected to institutional sentence. All these above mode or method of punishment show that the method of punishment has changed with change of the society. Nowadays the mode of punishment become less cruel in comparison with the ancient period. Now, the severity of punishment depends on the nature of the crime. Only those people who commit serious offence, shall be liable to be punished with the severe punishment because now the object of modern penologist and the 43 law makers is to reform the criminals and to deter them from the commission of crime. THEORIES OF PUNISHMENT Sentencing the guilty person is most important, albeit a difficult chapter in trial. Theories of punishment are many- Reformative, Prevention, Deterrent, Retributive and Denunciatory. Retributive and Denunciatory theories have lost their potency in the civilized nations. Deterrent and Preventive sentence is sometimes necessary in the interest of society. The modern trend places emphasis on the reformation of an offender and his rehabilitation. Reformation and not retribution is the sentencing lodestar.

The following are the theories of the Punishment :-

(1) Retributive theory of Punishment : - Retribution means something done or given to somebody as punishment or vengeance for something he or she has done. It is a just retribution for their crime. This theory says to return the same injury to the wrongdoer, which he had committed against the victim. It says "tit for tat". Retribution is often assimilated to revenge, but a public rather than a private revenge. Retributive theory punishes offenders because they are deserving of punishment. It says to offender "you have caused harm to society, now you must pay back to society for that harm. You must atone for your misdeeds." Retribution is probably the oldest goal of criminal punishment. The Babylonian Code of Hammurabi, dating from the 18th century BC, contained this principle of equal retaliation. Similarly, the laws of the ancient Hebrews demanded "an eye for an eye and a tooth for a tooth". The corporeal punishments used in England and the American colonies were 32 Saradhakar Sahu v. State of Orissa, 1985 Cr LJ 1591. 44 based on retribution. The Bible states that when one man strikes another and kills him, he shall be put to death. Whoever strikes a beat and kills, shall make restitution, life for life, when one injures and disfigures his fellow countryman, it shall be done to him as he has done; 'fracture for fracture' ; 'eye for eye' ; ' a tooth for tooth', the injuries and disfigurement that he has inflicted upon another shall in turn be inflicted upon him.

(2) Deterrent theory of Punishment :- Deterrent or deterrence means something that deters somebody or something, restrain anyone from taking action, to discourage somebody from taking action or prevent something happening, especially by making people feel afraid or

anxious. In another word it is a 'warning', 'preventive', 'restrictive', 'restraining', or 'limiting', someone for any particular act. The word 'deter', means 'abstain from action', and 'to deter' means 'a variety of motives may deter anyone from an undertaking'. It also means "the prudent and fearful are alike easily to be deterred." This is also known as Utilitarian Preventive Theory. Utilitarianism assesses punishments on the basis of the good that punishments do for individuals or for society.

(3) Prevention Theory of Punishment :- Prevention means with the purpose of preventing something used or devised to stop something from happening, or to stop people from doing a particular thing. Preventive theory punishes the offenders, to prevent the future crime in the society, by isolating the criminals from society. This theory believes that, the goal of punishment is restraint. If, a criminal is confined, executed, or otherwise incapacitated, such punishment will deny 33 Leviticus 24 : 17-22 of the New English Bible. 45 the criminal ability or opportunity to commit further crimes and prevent the society from that harm. Preventive philosophy of punishment is based on the proposition “not to avenge crime but to prevent it”. It presupposes that need for punishment of crime arises simply out of social necessities. In punishing a criminal, the community protects itself against anti-social acts, which are endangering social order in general or person or property of its member.

(4) Reformative Theory of Punishment :- Another possible goal of punishment is reformation of the offender. Supporters of reformation seek to prevent crime by providing offenders with the education and treatment necessary to eliminate criminal tendencies, as well as the skills to become productive members of society.³⁴ Reformation is synonymous to the word 'improvement', 'modification', 'transformation', 'alteration', 'change', 'development', 'amendment'. Reform means change and it improves somebody by correcting faults, removing inconsistencies and abuses, and imposing modern methods or values or to adopt a more acceptable way of life and mode of behaviour or persuade or force somebody else to do so. Reformation is the act of process of reforming somebody especially a general improvement in his behaviour. This theory claims that a criminal can be reformed into a good citizen as law-abider by giving him competent treatment during his imprisonment period. ³⁴ Article on Criminal Law- Encarta Reference Library 2005.

(5) Expiation Theory of Punishment (Theory of Restoration):- The theory of expiation is also known as theory of restoration. Expiation means “the act of expiating, reparation, amends, compensation”. It means atoning or suffering punishment for a wrongdoing. This is not the new concept, if we look towards the epic period. Valia, a famous dacoit, turned into a sage (Maharishi) Balmiki and wrote the Ramayan. It is the greatest example of the expiation and reformation.

Chapter 2

Sigmon freud is the father of psychoanalysis. Who thing humans psychic structure comprising libido,ego and super ego.sexual energy is process of invested death drive.this death drive makes a person criminal.libido is source of compulsive repetition,hate,agression and neurotic guilt.He infact convince that 1st and 2nd world war is result of libido.as per him entire Germany,england,japan,france,itali aggression is result of libido.

I am not convinced.His theory is also regarding body structure of human being can reveal that he is criminal or not like wider head or ugly faces are more criminals.If you want prevent society you either Have to kill them or imprisoned.sigmon freud is a big name but he is not accurate.

Chapter 3

I. Introduction

The scientific study of the causes of delinquency and crime has been historically guided by theory. A good theory is said to provide a foundational lens through which to interpret and understand the manifestation of a behaviour. In the field of criminology, the theoretical lens has been primarily guided by concepts germane to the fields of sociology, psychology, and biology, and the behaviour to be explained is typically behaviour that violates the codified laws of our society (i.e., crime and delinquency). Although isolated theories have provided empirical insight into the important factors perceived and expected to explain delinquency and crime, no single theory can adequately explain all types of crime and delinquency or all of the variation in crime and delinquency. In response to the absence of a “magic bullet” theory, scholars have begun to integrate theories in hopes of explaining a greater proportion of delinquency and crime. Theoretical integration generally involves borrowing theoretical constructs from competing theories and combining them into a single theory. Integrating theories within criminology is particularly advantageous because it allows scholars to begin to understand the behaviour under study in a more complex, and potentially more complete, manner.

Criminology Theories

BIOLOGICAL THEORY OF CRIME

CRIMINAL JUSTICE THEORY

CULTURAL TRANSMISSION THEORY

LEBELING THEORY AND SYMBOLIC INTERACTION THEORY

PSYCHOLOGICAL THEORY OF CRIME

ROUTINE ACTVISTIES THEORY

SELF CONTROL THEORY

SOCIAL CONTROL THEORY

Biological theory

Biological theories within the field of criminology attempt to explain behaviours contrary to societal expectations through examination of individual characteristics. These theories are categorized within a paradigm called positivism (also known as determinism), which asserts that behaviours, including law-violating behaviours, are determined by factors largely beyond individual control. Positivist theories contrast with classical theories, which argue that people generally choose their behaviours in rational processes of logical decision making, and with critical theories, which critique lawmaking, social stratification, and the unequal distribution of power and wealth.

Positivist theories are further classified on the basis of the types of external influences they identify as potentially determinative of individual behaviour. For example, psychological and psychiatric theories look at an individual's mental development and functioning; sociological theories evaluate the impact of social structure on individuals (e.g., social disorganization, anomie, subcultural theories, opportunity, strain) and the impact of social function and processes on individuals (e.g., differential association, social learning, social bonds, labeling). Biological theories can be classified into three types:

- (1) those that attempt to differentiate among individuals on the basis of certain innate (i.e., those with which you are born) outward physical traits or characteristics;

(2) those that attempt to trace the source of differences to genetic or hereditary characteristics; and

(3) those that attempt to distinguish among individuals on the basis of structural, functional, or chemical differences in the brain or body.

This research paper is organized in rough chronological order and by historical figures associated with an important development. It is difficult to provide an exact chronology, because several important developments and movements happened simultaneously in various parts of the world. For example, although biological theories are considered positivist, the concept of positivism did not evolve until after the evolution of some early biological perspectives. In addition, biological theories of behaviour that involve some aspect of evolution, genetics, or heredity are discussed in terms of those scientific developments, although physical trait theories still continued to be popular.

The following sections discuss some of the more important and relevant considerations in scientific developments that impacted biological theories of behaviour. A brief history of positivism also is provided, tracing the development and use of the biological theories from early (largely discredited) beliefs, to the most current theories on the relationship of biology to behaviour. This section also provides a conclusion that discusses the role of biological theories in the future of criminological thought.

Criminal justice theory

What are criminal justice theories? Strangely, few academics in criminal justice studies would have a clear answer. Despite the large number of academic programs and scholarly works dedicated to studying criminal justice, the field has hardly asked, let alone answered, this fundamental question (Bernard & Engel, 2001; Duffee & Maguire, 2007; Hagan, 1989; Kraska, 2006; Marenin & Worrall, 1998). Given that a theoretical infrastructure is the intellectual and conceptual core of any legitimate area of study, the time is past due to begin recognizing and developing a theoretical foundation explicitly intended to make theoretical sense of criminal justice. It is not that criminology and criminal justice studies scholars are not experienced with theory and the activity of theorizing. Researchers in the field have amassed an impressive body of theoretical work. The focus of this work, however, has concentrated mostly on answering the “why” of crime and explaining crime rates. When the term theory is used in the field, it usually refers to crime theory. Criminology theory courses and theory textbooks concentrate almost exclusively on explaining crime. Theoretical research in the field, as evidenced by the articles published in the journals *Criminology* and *Justice Quarterly*, mostly test preexisting explanations for crime. The field’s theoretical infrastructure is built on explanations of crime, not criminal justice.

An underlying assumption in the field is that the discipline of criminology is more interested in explaining the why of crime and thus by nature is more theoretically oriented. It follows, then, that studying criminal justice is

necessarily a policy-based pursuit more interested in effecting practical crime-control initiatives, as derived from theories of crime (Gibbons, 1994). Studying criminal justice is tacitly relegated to the limited role of discerning “how to” and “what works”—laudable objectives, but incomplete insofar as understanding the nature of our formal reaction to crime. Dantzker’s (1998) delineation between criminology and criminal justice is typical of this view:

Criminology is the scientific study of crime as a social phenomenon—that is, the theoretical application involving the study of the nature and extent of criminal behaviour. Criminal Justice is the applied and scientific study of the practical applications of criminal behaviour—that is, the actions, policies, and functions of the agencies within the criminal justice system charged with addressing this behaviour. (p. 107)

Are not both criminology and criminal justice studies diminishing their theoretical integrity with this conception? Surely the study of criminal justice, by both criminological and criminal justice scholars, has involved far more than merely describing its functioning and devising means of crime control.

There is no reason that the study of criminal justice cannot be approached in the same way Dantzker (1998) views the study of crime. By slightly modifying his quote, criminal justice studies could similarly be viewed as “the scholarly examination of criminal justice as a social phenomenon—that is, the theoretical application involving the study of the nature and extent of criminal justice behaviour.” The notion that the activity of theorizing criminal justice phenomena can somehow be excluded is not only erroneous but also highly damaging to the disciplinary integrity of criminal justice studies.

Some traditional criminological theorists might take exception to this view. After all, they would argue, crime theory has already been used as the

foundational material for developing models of criminal justice functioning (Einstatder & Henry, 1995). This approach to understanding criminal justice takes traditional crime theories and infers a model of criminal justice functioning based on that particular conception of crime causation. Although modeling criminal justice functioning does shed important theoretical light on the system, even those involved in the activity admit that these models do not constitute the development of theory (Einstatder & Henry, 1995). This exercise also reinforces the notion that there can be no other theoretical foundation for understanding criminal justice behaviour besides those preexisting theories designed to make theoretical sense of crime.

Some critical criminological theorists might also take exception. Critical criminology has a rich body of work theorizing the behaviour of the state, the legal apparatus, trends in social control, and oppressive crime control policies. In fact, compared with their analysis of criminal justice behaviour, explaining lawbreaking has been a secondary pursuit. This is one reason critical scholarship often seems out of place in most criminological theory textbooks: Their object of study—an oppressive crime control apparatus—does not coincide well with theories focused only on crime causation. Even when critical criminologists explore the causes of crime, they most often focus on the oppressive features of how the state differentially defines acts as crime among marginalized groups (again, focusing on state behaviour). Seen this way, critical criminology is more engaged in theorizing criminal justice than crime.

Cultural transmission

A core tenet of social science theory holds that normative systems, in part, produce the varied patterns of social behaviour evident across and within societies. In essence, norms are ideas, and ideas are transmitted in social interaction. The collective manifestation of norms or shared ideas—that assume a semblance of time invariance—is culture. Cultural artifacts figure prominently into the logical framework of theories formulated to explain the uneven representation of violence within American society. The point of departure for these works is that neither violent crime rates nor culture are characterized by a homogeneous pattern. Indeed, cultural theories posit that variation in value systems predicts simultaneous variation in the scope and form of violent actions. Systems of shared values that do not conform to conventional culture, known as subcultures, explain the spatial concentration of serious and lethal violence in disadvantaged urban areas and in the southern region of the United States. Furthermore, the relative spatial permanence of violence is owed largely to the continued transmission over time of the subcultural values that sanction such behaviour.

The acquisition of values favoring law violation, including violence, occurs through repeated exposure not only to unlawful behaviour itself but also to the values underlying it that are entrenched in actors' social milieu. Criminologists stress that agents within an individual's social context, such as peers, the family, and neighborhood residents, convey normative protocols regarding illegal conduct. An actor's reaction to verbal threats, his or her strategy of response to economic distress, and his or her adherence to formal legal mandates are

artifacts of the normative complex that blankets the actor's daily life and that is procured through social interaction. Violence-conducive value orientations are thus effectively transmitted throughout local collectivities over time and sustained spatially.

This research paper delineates the leading perspectives in the field of criminology on subcultural processes, namely, cultural transmission. It also highlights the empirical evidence pertaining to these theories and briefly discusses the current state and future of subcultural research.

Rational choice theory

There are many theories about what causes people to begin to commit, continue to commit, and desist from committing crimes (Kubrin, Stucky, & Krohn, 2009). Some of these theories assert that crime is due to a collection of personality traits that incline a person to commit crimes (Wilson & Herrnstein, 1985); some scholars argue that crime occurs when people are led by their culture to want something, such as monetary success, but are denied access to the means to achieve these things (Agnew, 1992); and still others claim that crime occurs when people get socialized into cultures, subcultures, or groups that either actively promote or at least openly tolerate criminal behaviour (Nisbett & Cohen, 1996). A deterrence, or rational choice theory of crime (let's call it RCT), is none of these things, and because deterrence theory can be considered a subtype of RCT, this research paper's discussion will mostly focus on the latter.

specific deterrence occurs when a person who has just been punished refrains from committing a crime because he or she fears another dose of punishment. In general deterrence, it is the threat of legal punishment that inhibits criminal offending among people who have not yet been punished, whereas in specific deterrence the inhibiting factor among those who have been punished is the threat of being punished again. Notice that any penalty, such as imprisonment, can act as both a general deterrent when it leads the public to conform because of the threat of prison should they commit a crime and as a specific deterrent when it deters an inmate just released from prison from committing another crime.

Deterrence theory was originally developed in the 18th century by the legal/moral philosophers Jeremy Bentham and Cesare Beccaria, who conceived of it in terms of the threat of formal legal punishment—the sanctions or penalties that are applied by a state or some legal authority. Within the past 25 years, however, deterrence theory has been expanded to also include nonlegal types of sanction threats, such as the threat of social censure by others should one commit crime (i.e., the fear of embarrassment) or the threat of self-imposed punishment with feelings of guilt and shame (Anderson, Chiricos, & Waldo, 1977; Grasmick & Bursik 1990; Grasmick, Bursik, & Arneklev, 1993). If I refrain from committing crime because I think that others close to me will disapprove and reject me, and that fear keeps me from committing crimes, then I am deterred, but by informal sanction threats, not by formal sanction threats. Modern deterrence theory now considers formal (legal punishments, e.g., arrest, conviction, imprisonment) and informal (social or self-censure) sanction threats as part of the theory.

Rational choice theory is much more broad and general than deterrence theory because it includes many other factors besides the risk of formal and informal sanctions. The theories are alike, however, in the assumption that human beings are rational and self-interested beings who are affected by the consequences of their actions. Rational choice theory (RCT) likely finds its modern home in an article written by the Nobel-Prize-winning economist Gary Becker (1968). The position of RCT is that criminal behaviour is no different from noncriminal behaviour in that it is conduct that persons intentionally choose to undertake (i.e., they are not compelled or forced to do crime), and the reason that they choose to commit crime is that they think it will be more rewarding and less costly for them than noncriminal behaviour. Let us break this last statement down carefully. RCT takes the position that offenders are not compelled to commit crime because of some extraordinary motivation: Offenders do not have

different personalities than nonoffenders; neither were they socialized into a criminal belief or cultural system whose norms require crime (Cornish & Clarke, 1986; Kubrin et al., 2009).

In RCT, criminal offenders are actually no different than noncriminal offenders. Both willingly choose their own behaviours, and both choose those behaviours on the basis of a rational consideration of the costs and benefits of the intended action. The rational choice offender, then, is rational and self-interested and chooses to commit crime on the basis of his assessment that it will be rewarding or profitable or satisfy some need better than a noncriminal behaviour. This last sentence contains a great deal of complexity and subtlety, so let us explore it in some detail.

Labeling Theory and Symbolic Interaction Theory

It is a fundamental fact that for an action or behaviour to be considered a crime, there must be some law in place. For instance, in the Prohibition era it was illegal to possess, manufacture, or distribute alcohol. Up to this time point and after Prohibition had ended, individuals who possessed, manufactured, or distributed alcohol were thus deemed “criminal” by a society attempting to right its moral compass. The example of Prohibition highlights a key aspect of crime that had largely been neglected by criminologists: the reaction to criminal behaviour. Although consensus criminology was concerned with the etiology of criminality, it did not confront the role of societal reaction on social control in the criminal process. Labeling theory was the first to address both individual criminality and the impact of social reaction on criminal behaviours.

Kobrin (1976, p. 245) wrote that labeling is an intrinsic feature of all human interaction. As such, labeling theorists argue that a complete picture of crime or deviance cannot be attained by merely examining offenders and their characteristics; instead, a complete picture of deviance must also reveal societal reactions to incidents of rule-breaking. In line with symbolic interactionism, labeling theorists state that the reaction of the society, the community, or a social group will affect the rule-breaker in one critical way: A person labeled as a deviant may accept that deviant label by coming to view himself or herself as a deviant (i.e., internalizing the label) and then engaging in further behaviour that is both consistent with the label and the way in which the label was applied. This—the creation of additional deviance and criminality because of the

application of a deviant label—is the central proposition of the labeling perspective.

The labeling perspective was developed over many years by a number of different social scientists (Becker, 1963; Cohen, 1995; Kitsuse, 1962; Lemert, 1951, 1967; Tannenbaum, 1938). This research paper examines the evolution of the labeling perspective and its contributions to the field of criminology

Psychological Theories of Crime

Why do individuals commit crimes? At the same time, why is crime present in our society? The criminal justice system is very concerned with these questions, and criminologists are attempting to answer them. In actuality, the question of why crime is committed is very difficult to answer. However, for centuries, people have been searching for answers (Jacoby, 2004). It is important to recognize that there are many different explanations as to why individuals commit crime (Conklin, 2007). One of the main explanations is based on psychological theories, which focus on the association among intelligence, personality, learning, and criminal behaviour. Thus, in any discussion concerning crime causation, one must contemplate psychological theories.

When examining psychological theories of crime, one must be cognizant of the three major theories. The first is psychodynamic theory, which is centered on the notion that an individual's early childhood experience influences his or her likelihood for committing future crimes. The second is behavioural theory. Behavioural theorists have expanded the work of Gabriel Tarde through behaviour modeling and social learning. The third is cognitive theory, the major premise of which suggests that an individual's perception and how it is manifested (Jacoby, 2004) affect his or her potential to commit crime. In other words, behavioural theory focuses on how an individual's perception of the world influences his or her behaviour

Also germane to psychological theories are personality and intelligence. Combined, these five theories or characteristics (i.e., psychodynamic, cognitive, behavioural, personality, and intelligence) offer appealing insights into why an individual may commit a crime (Schmalleger, 2008). However, one should not

assume this there is only one reason why a person commits crime. Researchers looking for a single explanation should be cautious, because there is no panacea for the problem of crime.

2. Early Research

Charles Goring (1870–1919) discovered a relationship between crime and flawed intelligence. Goring examined more than 3,000 convicts in England. It is important to note that Goring found no physical differences between noncriminals and criminals; however, he did find that criminals are more likely to be insane, to be unintelligent, and to exhibit poor social behaviour. A second pioneer is Gabriel Tarde (1843–1904), who maintained that individuals learn from each other and ultimately imitate one another. Interestingly, Tarde thought that out of 100 individuals, only 1 was creative or inventive and the remainder were prone to imitation (Jacoby, 2004).

3. Psychodynamic Theory

Proponents of psychodynamic theory suggest that an individual's personality is controlled by unconscious mental processes that are grounded in early childhood. This theory was originated by Sigmund Freud (1856–1939), the founder of psychoanalysis. Imperative to this theory are the three elements or structures that make up the human personality: (1) the id, (2) the ego, and (3) the superego. One can think of the id as the primitive part of a person's mental makeup that is present at birth. Freud (1933) believed the id represents the unconscious biological drives for food, sex, and other necessities over the life span. Most important is the idea that the id is concerned with instant pleasure or gratification while disregarding concern for others. This is known as the pleasure principle, and it is often paramount when discussing criminal behaviour. All too often, one sees news stories and studies about criminal

offenders who have no concern for anyone but themselves. Is it possible that these male and female offenders are driven by instant gratification? The second element of the human personality is the ego, which is thought to develop early in a person's life. For example, when children learn that their wishes cannot be gratified instantaneously, they often throw a tantrum. Freud (1933) suggested that the ego compensates for the demands of the id by guiding an individual's actions or behaviours to keep him or her within the boundaries of society. The ego is guided by the reality principle. The third element of personality, the superego, develops as a person incorporates the moral standards and values of the community; parents; and significant others, such as friends and clergy members. The focus of the superego is morality. The superego serves to pass judgment on the behaviour and actions of individuals (Freud, 1933). The ego mediates between the id's desire for instant gratification and the strict morality of the superego. One can assume that young adults as well as adults understand right from wrong. However, when a crime is committed, advocates of psychodynamic theory would suggest that an individual committed a crime because he or she has an underdeveloped superego.

In sum, psychodynamic theory suggests that criminal offenders are frustrated and aggravated. They are constantly drawn to past events that occurred in their early childhood. Because of a negligent, unhappy, or miserable childhood, which is most often characterized by a lack of love and/or nurturing, a criminal offender has a weak (or absent) ego. Most important, research suggests that having a weak ego is linked with poor or absence of social etiquette, immaturity, and dependence on others. Research further suggests that individuals with weak egos may be more likely to engage in drug abuse.

Routine Activities Theory

Routine activities theory is a theory of crime events. This differs from a majority of criminological theories, which focus on explaining why some people commit crimes—that is, the motivation to commit crime—rather than how criminal events are produced. Although at first glance this distinction may appear inconsequential, it has important implications for the research and prevention of crime.

Routine activities theory suggests that the organization of routine activities in society create opportunities for crime. In other words, the daily routine activities of people—including where they work, the routes they travel to and from school, the groups with whom they socialize, the shops they frequent, and so forth—strongly influence when, where, and to whom crime occurs.

These routines can make crime easy and low risk, or difficult and risky. Because opportunities vary over time, space, and among people, so too does the likelihood of crime. Therefore, research that stems from routine activities theory generally examines various opportunity structures that facilitate crime; prevention strategies that are informed by routine activities theory attempt to alter these opportunity structures to prevent criminal events.

Routine activities theory was initially used to explain changes in crime trends over time. It has been increasingly used much more broadly to understand and prevent crime problems. Researchers have used various methods to test hypotheses derived from the theory. Since its inception, the theory has become

closely aligned with a set of theories and perspectives known as environmental criminology, which focuses on the importance of opportunity in determining the distribution of crime across time and space.

Environmental criminology, and routine activities theory in particular, has very practical implications for prevention; therefore, practitioners have applied routine activities theory to inform police practices and prevention strategies. This research paper contains a review of the evolution of routine activities theory; a summary of research informed by the theory; complementary perspectives and current applications; and future directions for theory, research, and prevention.

Self-Control Theory

Self-control theory—often referred to as the general theory of crime—has emerged as one of the major theoretical paradigms in the field of criminology. This is no small feat, given the diversity of criminological perspectives that exist in general and the ever-growing roster of recently sprouted control theories in particular. To be sure, scholars have developed models of formal social control (e.g., rational choice/deterrence theories), informal social control (e.g., social disorganization, collective efficacy), indirect control (e.g., social bond theories), power control, and so on, yet self-control theory has arguably become the most influential member of the control theory family since its publication by M. R. Gottfredson and Hirschi in 1990.

Accordingly, the purpose of this research paper is fourfold

- to provide an overview of the core theoretical propositions specified by self-control theory (i.e., what causes crime, according to this perspective?);
- (2) to critically assess its empirical status (i.e., what does the body of studies testing this theory have to say about the degree to which Gottfredson and Hirschi were right?);
- (3) to highlight the criticisms leveled against it (i.e., where do there appear to be “holes” in the theory?); and, finally,
- (4) to specify directions for future research within the self-control tradition.

II. Self-Control as a General Theory of Crime

Gottfredson and Hirschi (1990) sought to accomplish a number of goals when they formulated their theory of self-control and crime. At the most fundamental level, they reinterpreted and reintroduced the classical school of thought in combination with a positivistic methodological orientation. More specifically, they intended to create a theory on the basis of what was known from research about criminal events and criminals rather than to rehash empirically vague sociological theories. Finally, they sought to develop a theory that would explain crime generally, that is, across times, persons, and situations.

To these ends, their general theory constituted a reassertion of the classical school's initial contention that individuals seek personal pleasure while avoiding pain (Beccaria, 1764/1963). In short, people are motivated by self-interest. Furthermore, positivism attempts to understand human behaviour through the scientific method. In its use of the scientific method, however, Gottfredson and Hirschi (1990) claimed that positivism went too far in creating needless disciplinary fissures, redundant theories, and contrived typologies. Moreover, positivist criminology confounds crime, delinquency, and other antisocial behaviour. Gottfredson and Hirschi suggested that, by combining the methodological approaches handed down from positivist science, but in using the classical school as an overriding framework, criminologists could arrive at a general theory of crime.

Doing this, however, would require a good look at criminal acts and criminals, something that Gottfredson and Hirschi (1990) claimed criminologists had not really done. They suggested that criminologists have instead focused their efforts on explaining crime in light of artificial statutory definitions and a rejection of individual choice. Accordingly, this has led to an abundance of theories that have succeeded in accounting for only a small proportion of the variance in crime; blindness to deviant behaviours that are analogous to crime; and misapprehension of criminals as being specialists, as opposed to generalists. Thus, to develop the general theory, Gottfredson and Hirschi started by looking at what criminologists do know about crime and criminals. Their research revealed that criminal events are generally based on immediate gratification or removal of an irritant, are easy, and are varied. Similarly, they found that criminals displayed characteristics similar to crime events: Criminals were found among individuals seeking immediate and easy gratification and whose behaviour included numerous types of crime and other deviant behaviours. Gottfredson and Hirschi therefore claimed that the crime and the criminal were contiguous elements.

At the heart of criminal events and criminals was one stable construct: low self-control. This, Gottfredson and Hirschi (1990) claimed, explained criminal acts and behaviour across time, gender, ethnicity, and crime types. Beyond crime, low self-control was further evident in behaviour analogous to criminal acts, such as antisocial (but not illegal), deviant, and risk-taking behaviour (e.g., smoking, excessive drinking, riding a bike without a helmet, skydiving). This, according to Gottfredson and Hirschi, constituted a general theory of crime: Low self-control was the general, antecedent cause of forceful/fraudulent acts “undertaken in pursuit of self-interest”

Social Construction Theory

According to social constructionists, what counts as crime varies depending on who is defining it: “There are no purely objective definitions; all definitions are value laden and biased to some degree,” and what is defined as crime by law “is somewhat arbitrary, and represents a highly selective process” (Barak, 1998, p. 21). This social constructionist challenge to the fact of crime as defined by law is rooted in a history of critical theory.

II. The Concept of Social Construction

Social construction is a theoretical position that cuts across a number of disciplinary and interdisciplinary fields, including sociology, psychology, psychotherapy, women’s studies, queer studies, the history and philosophy of science, narrative philosophy, and literary theory, among others. As Stam (2001) noted, social constructionism has not only permeated many fields of study but also has become part of popular culture (for overviews, see Burr, 1995; Gergen, 1999; Potter, 1996). Advocates of social constructionism argue that the social world has an existence only, or largely, through humans’ routine interaction. By identifying some features of social life as significant, distinguishing those features from others, and acting as though they have a real, concrete existence, humans create social reality.

In its extreme form, social constructionism draws on the idealist/nominalist philosophical tradition that social reality has no independent existence outside the human mind. Humans interpret the world and make summary

representations (images in their mind) that they believe reflect an underlying reality; at issue is whether there is any independent objective existence to the reality that these representations appear to reflect. Most social constructionists, however, are not total relativists but are more moderate. They believe that some fundamental reality exists; they also believe that even social constructions, once created, have a degree of reality in that they recognize that if humans define situations as real, then they are real in their consequences. Therefore, if we categorize behaviour, events, and experiences as similar, and name or label them in specific ways, they appear before us as representations of object-like realities with real effects that can be experienced positively or negatively.

Although we create the realities that shape our social world, and are impacted by the actions of those who put energy into sustaining them as realities, we are also capable of changing these realities by recognizing our role in their construction. Crime is seen as one such social reality, one that we collectively construct and, by implication, can collectively deconstruct and replace with a less harmful reality.

There are different versions of social constructionist theory, depending on the extent to which theorists attribute independence to reality existing outside of the human mind and whether this attributed reality is seen a result of personal cognitive meaning creation (personal construct theory) or the result of shared symbolic social processes (social constructionist theory). There are also differences in regard to whether theorists believe that social reality can be changed depending on how far they believe humans can free themselves from their own social constructions.

Social Control Theory

The social control approach to understanding crime is one of the three major sociological perspectives in contemporary criminology. Control theorists believe that conformity to the rules of society is produced by socialization and maintained by ties to people and institutions— to family members, friends, schools, and jobs. Put briefly, crime and delinquency result when the individual's bond to society is weak or broken. As social bonds increase in strength, the costs of crime to the individual increase as well.

The intellectual roots of social control theory reach back several centuries, but it was not until the middle of the 20th century that this theory began to generate broad interest among crime researchers. Since then, it has been among the most frequently tested in the scientific literature and has garnered substantial empirical support. Its research and policy implications have generated perhaps the most debate of any modern theory of crime. The influence of social control theory on actual crime control policy has been less impressive. Social control theories do not support expansion of the criminal justice system. They do not favor larger police forces or lengthy incarceration as crime control policies. They favor instead policies designed to establish stronger bonds between individuals and society.

The first task of the control theorist is to identify the important elements of the bond to society. The second task is to say what is meant by society—to locate the persons and institutions important in the control of delinquent and criminal behaviour. The following list of elements of the bond— attachment, commitment, involvement, and belief—has proved useful in explaining the

logic of the theory and in summarizing relevant research. It has also provided guidelines for evaluation of delinquency prevention programs.

Social Disorganization Theory

A description of the history and current state of social disorganization theory is not a simple undertaking, not because of a lack of information but because of an abundance of it. From its beginnings in the study of urban change and in plant biology, research related to social disorganization theory has spread to many different fields. These areas of concentration range from simple spin-offs of the original studies (Bordua, 1959; Chilton, 1964; Lander, 1954), to the variety of research in environmental criminology (Brantingham & Brantingham 1981), to the growing field related to crime mapping (Chainey & Rafcliffe, 2005), to such far-reaching topics as the behaviour of fighting dogs (Stewart, 1974). Given the space limitations, this research paper limits its discussion to studies closely related to the original principles of the theory.

II. Precursors of Social Disorganization Theory

The forerunners of social disorganization research are probably more varied than any other area of criminological thought. The ecological study of delinquency is the result of the unlikely combination of the study of change in France, plant biology, and the growth of the urban city.

The direct lineage of social disorganization research is found in the study of plant biology. Warming (1909) proposed that plants live in “communities” with varying states of symbiosis, or natural interdependence. Communities containing plants predominantly of the same species were more in competition with nature than with each other. Communities with several different species, however, competed for limited resources more among themselves than with the

environment. Warming called this relationship a natural economy because of the use of resources by the plants. This natural economy was expounded on by a Haeckel (1866), who used the German word oikos, from which economics was formed to coin the term ecology.

One of the first social ecological studies was conducted by Guerry in 1833. Guerry compared the crime rates in 86 departments (counties) in France from 1825 through 1830. His study showed that crime rates had marked variation in different cities in the country. Similar studies compared different regions and cities in England (Mayhew 1862/1983), different countries in the United Kingdom (Rawson, 1839), and England and European countries (Bulwer, 1836).

The relationship between a city's central district and juvenile delinquency was first explored by Burt in 1925, who proposed that areas in London with the highest rates of delinquency were located adjacent to the central business district, and areas with the lowest rates were located near the periphery of the city.

One of the first ecological studies undertaken in the United States was conducted by Breckinridge and Abbott in 1912. They examined the geographic distribution of the homes of juvenile delinquents in Chicago. A map showing the location of these delinquents indicated that a disproportionate number of the juveniles' homes were located in a few areas of the city.

Park and Burgess (1928) used the terminology of Haeckel, the concepts of Warming, and the research of Breckenridge and Abbot to develop what they called human ecology. Specifically, Park and Burgess used the concept of symbiosis to describe the phenomenon in human communities where people work together for common goals and at the same time compete for resources.

They also applied Warming's concepts of dominance and succession to describe a situation in which a stronger group would disrupt the community through change and eventually reestablish order by replacing (succeeding) a previously dominant group.

Park, Burgess, and McKenzie (1969) expanded on Park and Burgess's (1928) work by observing that certain characteristics of the population tended to cluster in rings set at about 1-mile increments from the center of Chicago and that the patterns changed dramatically from one ring to the next. For example, Park et al. found a zone of manufacturing enterprises immediately surrounding the central business district of the city. Outside this factory zone was an area of very low-income housing. In the third concentric ring, the dominant residential characteristic was working-class homes. The fourth and fifth rings from the center of the city were middle- and upper-class homes. Park et al. labeled this pattern the Burgess zonal hypothesis

Social Learning Theory

The purpose of this research paper is to provide an overview of Akers's social learning theory with attention to its theoretical roots in Sutherland's differential association theory and the behavioural psychology of Skinner and Bandura. Empirical research testing the utility of social learning theory for explaining variation in crime or deviance is then reviewed; this is followed by a discussion of recent macrolevel applications of the theory (i.e., social structure and social learning). The research paper concludes with a brief offering of suggestions for future research and a summary of the importance of social learning theory as a general theory in the criminological literature.

II. Origin and Overview of Social Learning Theory

Burgess and Akers's (1966)

differential association-reinforcement theory was an effort to meld Sutherland's (1947) sociological approach in his differential association theory and principles of behavioural psychology. This was the foundation for Akers's (1968, 1973; Akers, Krohn, Lanza-Kaduce, & Radosevich, 1979) further development of the theory, which he came more often to refer to as social learning theory. Sutherland's differential association theory is contained in nine propositions

1. Criminal behaviour is learned.
2. Criminal behaviour is learned in interaction with other persons in a process of communication.
3. The principal part of the learning of criminal behaviour occurs within intimate personal groups.
4. When criminal behaviour is learned, the learning includes
 - (a) techniques of committing the crime, which are sometimes very complicated, sometimes very simple, and
 - (b) the specific direction of motives, drives, rationalizations, and attitudes.
5. The specific direction of motives and drives is learned from definitions of the legal codes as favorable or unfavorable.
6. A person becomes delinquent because of an excess of definitions favorable to violation of law over definitions unfavorable to violation of the law.
7. The process of learning criminal behaviour by association with criminal and anti-criminal patterns involves all of the mechanisms that are involved in any other learning.
8. Although criminal behaviour is an expression of general needs and values, it is not explained by those general needs and values, because noncriminal behaviour is an expression of the same needs and values.
9. Differential association varies in frequency, duration, priority, and intensity. The most frequent, longest-running, earliest and closest influences will be most efficacious or determinant of learned behaviour.

Sutherland (1947)

referred to the sixth statement as the principle of differential association. According to Sutherland, an individual learns two types of definitions toward committing a particular behaviour. He can either learn favorable definitions from others that would likely increase the probability that he will commit the behaviour, or he can learn unfavorable definitions that would likely decrease the probability that he would engage in a particular behaviour. Stated in terms of criminal involvement, when an individual learns favorable definitions toward violations of the law in excess of the definitions unfavorable to violations of the law, that individual is more likely to commit the criminal act(s).

Learning favorable versus unfavorable definitions can also be described as a process whereby individuals attempt to balance pro-criminal definitions against prosocial or conforming definitions. It is logical to assume that individuals learn favorable or pro-criminal definitions for committing crime from those involved in crime themselves (i.e., the criminals) and, in contrast, learn unfavorable definitions for committing crime from those individuals who are not involved in crime, and this assumption is supported empirically. It should be remembered, however, that it is possible for law-abiding persons to expose individuals to pro-criminal attitudes and definitions, just as it is possible for an individual to learn conforming definitions from criminals (see Cressey, 1960, p. 49).

According to Sutherland's (1947) seventh principle, the theory does not merely state that being associated with criminals leads to crime or that being associated with law-abiding persons leads to conforming behaviour. It is the nature, characteristics, and balance of the differential association that affect an individual's likelihood of violating the law. More specifically, if a person is exposed to pro-criminal definitions first (priority), and these definitions increase in frequency and strength (intensity) and persist for some time (duration), the individual is more likely to demonstrate involvement in criminal and deviant acts.

Although Sutherland's (1947) differential association theory began to accumulate a rather large amount of attention throughout the sociological and criminological literature in the years after its emergence, Burgess and Akers (1966) noted that the theory had still failed to receive considerable empirical support and had yet to be adequately modified in response to some of its shortcomings and criticisms.

Some of these issues included the inconsistency both within and between studies regarding the support for differential association and a common criticism among scholars on the difficulty of operationalizing the theory's concepts. In response to these criticisms and the prior failure of differential association theorists in specifying the learning process of the theory, Burgess and Akers presented their reformulated version of the theory, that is, differential association-reinforcement theory.

To describe their revised version in terms of its modifications and derivations from the original theory (as exemplified in Sutherland's [1947] nine principles),

Burgess and Akers (1966) offered the following seven principles that illustrate the process wherein learning takes place:

1. Criminal behaviour is learned according to the principles of operant conditioning (reformulation of Sutherland's Principles 1 and 8).
2. Criminal behaviour is learned both in nonsocial situations that are reinforcing or discriminative and through that social interaction in which the behaviour of other persons is reinforcing or discriminative for criminal behaviour (reformulation of Sutherland's Principle 2).
3. The principal part of the learning of criminal behaviour occurs in those groups which comprise the individual's major source of reinforcements (reformulation of Sutherland's Principle 3).
4. The learning of criminal behaviour, including specific techniques, attitudes, and avoidance procedures, is a function of the effective and available reinforcers, and the existing reinforcement contingencies (reformulation of Sutherland's Principle 4).
5. The specific class of behaviours which are learned and their frequency of occurrence are a function of the reinforcers which are effective and available, and the rules or norms by which these reinforcers are applied (reformulation of Sutherland's Principle 5).
6. Criminal behaviour is a function of norms which are discriminative for criminal behaviour, the learning of which takes place when such behaviour is more highly reinforced than noncriminal behaviour (reformulation of Sutherland's Principle 6).

7. The strength of criminal behaviour is a direct function of the amount, frequency, and probability of its reinforcement (reformulation of Sutherland's Principle 7). (pp. 132–145)”

Akers (1973, 1977, 1985, 1998)

has since discussed modifications to this original serial list and has further revised the theory in response to criticisms, theoretical and empirical developments in the literature, and to ease the interpretation and explanations of the key assumptions of social learning theory, but the central tenets remain the same. It is important to note here that, contrary to how social learning is often described in the literature, social learning is not a rival or competitor of Sutherland's (1947) theory and his original propositions. Instead, it is offered as a broader theory that modifies and builds on Sutherland's theory and integrates this theoretical perspective with aspects of other scholars' principles explicated in behavioural learning theory, in particular behavioural acquisition, continuation, and cessation (see Akers, 1985, p. 41). Taken together, social learning theory is presented as a more comprehensive explanation for involvement in crime and deviance compared with Sutherland's original theory; thus, any such support that it offered for differential association theory provides support for social learning theory, and findings that support social learning theory do not negate/discredit differential association theory.

The behavioural learning aspect of Akers's social learning theory (as first proposed by Burgess and Akers, 1966) draws from the classical work of B. F. Skinner, yet, more recently, Akers (1998) commented on how his theory is more closely aligned with cognitive learning theories such as those associated with Albert Bandura (1977), among others. According to Burgess and Akers (1996) and, later, Akers (1973, 1977, 1985, 1998), the specific mechanisms by which the learning process takes place are primarily through operant conditioning or differential reinforcement. Stated more clearly, operant behaviour, or voluntary actions taken by an individual, are affected by a system

of rewards and punishments. These reinforcers and punishers (described later) ultimately influence an individual's decision of whether to participate in conforming and/or nonconforming behaviour.

Burgess and Akers (1966)

originally considered the imitation element of the behavioural learning process (or modeling) to be subsumed under the broad umbrella of operant conditioning; that is, imitation was itself seen as simply one kind of behaviour that could be shaped through successive approximations and not a separate behavioural mechanism. However, Akers later began to accept the uniqueness of the learning mechanism of imitation from operant or instrumental learning and to discuss it in terms of observational learning or vicarious reinforcement. Burgess and Akers also recognized the importance of additional behavioural components and principles of learning theory, such as classical conditioning, discriminative stimuli, schedules of reinforcement, and other mechanisms.

Considering the brief overview of social learning theory as described earlier, the central assumption and proposition of social learning theory can be best summarized in the two following statements:

The basic assumption in social learning theory is that the same learning process in a context of social structure, interaction, and situation, produces both conforming and deviant behaviour. The difference lies in the direction . . . [of] the balance of influences on behaviour.

The probability that persons will engage in criminal and deviant behaviour is increased and the probability of their conforming to the norm is decreased when they differentially associate with others who commit criminal behaviour and espouse definitions favorable to it, are relatively more exposed in-person or

symbolically to salient criminal/deviant models, define it as desirable or justified in a situation discriminative for the behaviour, and have received in the past and anticipate in the current or future situation relatively greater reward than punishment for the behaviour. (Akers, 1998, p. 50)

It is worth emphasizing that social learning theory is a general theory in that it offers an explanation for why individuals first participate in crime and deviance, why they continue to offend, why they escalate/deescalate, why they specialize/generalize, and why they choose to desist from criminal/deviant involvement. Social learning theory also explains why individuals do not become involved in crime/deviance, instead opting to participate only in conforming behaviours. Thus, considering the generality of the theory as an explanation for an individual's participation in (or lack thereof) prosocial and pro-criminal behaviours, more attention is devoted in the following paragraphs to fleshing out the four central concepts of Akers's social learning theory that have received considerable (yet varying) amounts of attention and empirical support in the criminological literature: differential association, definitions, differential reinforcement, and imitation (Akers, 1985, 1998; Akers et al., 1979).

Strain Theories

Strain theories state that certain strains or stressors increase the likelihood of crime.

These strains involve

- the inability to achieve one's goals (e.g., monetary or status goals),
- the loss of positive stimuli (e.g., the death of a friend, the loss of valued possessions),
- or the presentation of negative stimuli (e.g., verbal and physical abuse).

Individuals who experience these strains become upset, and they may turn to crime in an effort to cope. Crime may be a way to reduce or escape from strains. For example, individuals may steal the money they want or run away from the parents who abuse them. Crime may be used to seek revenge against the source of strain or related targets. For example, individuals may assault the peers who harass them. Crime also may be used to alleviate negative emotions; for example, individuals may engage in illicit drug use in an effort to make themselves feel better. Strain theories are among the dominant explanations of crime, and, as discussed in this research paper, certain strain theories have had a major impact on efforts to control crime.

This research paper describes

- (a) the types of strain most conducive to crime,
- (b) why strains increase the likelihood of crime,
- and (c) the factors that increase the likelihood that individuals will cope with strains through crime.

All strain theories acknowledge that most individuals cope with strains in a legal manner. For example, most individuals cope with monetary problems by doing such things as cutting back on expenses, borrowing money, or working extra hours. It is therefore critical to explain why some individuals engage in criminal coping. After presenting a basic overview of strain theories, this research paper describes how strain theories have been used to explain group differences, such as gender differences, in crime. The research paper concludes with a discussion of the policy implications of strain theories.

The purpose of this research paper is to present information on the topic of theoretical integration and take the reader through the following logical road map of the knowledge base surrounding integrated theories.

- The research paper begins with a brief discussion of the history and rationale for integrating theories. Although brief, it is meant to provide some context within this section about how and why integrated theories have developed.
- Second, information on several different types of integrated theories that have emerged over the past few decades are provided: The theory and theoretical assumptions of the theory are presented, and it is shown how the theory is an integration of multiple theories or multiple concepts. It should be noted that the purpose of this section isn't meant to be

exhaustive; instead, the intent is to provide the reader with a level of specificity as to how criminological theories have been integrated.

- Third, using the discussion in the previous section, some of the many policy implications that have (or might have) emerged as a result of integrating theories are presented. Fourth, information relating to several of the critiques surrounding theoretical integration is provided, with a discussion about how these assessments have redefined the topic. The research paper closes with an excerpt on what the future might hold in terms of further elaboration of complex integrated theories.

Chapter 4

1 Theories and causes of crime Introduction There is no one 'cause' of crime. Crime is a highly complex phenomenon that changes across cultures and across time. Activities that are legal in one country (e.g. alcohol consumption in the UK) are sometimes illegal in others (e.g. strict Muslim countries). As cultures change over time, behaviours that once were not criminalised may become criminalised (and then decriminalised again – e.g. alcohol prohibition in the USA). As a result, there is no simple answer to the question 'what is crime?' and therefore no single answer to 'what causes crime?' Different types of crime often have their own distinct causes. (For more about definitions of crime see SCCJR What is Crime? You can also find out about specific types of crime at: SCCJR Violence Against Women and Girls; SCCJR Drug Crime; SCCJR Knife Crime) This briefing provides an overview of some of the key criminological theories that seek to explain the causes of crime; it is by no means an exhaustive list. Each of the theories covered has its own strengths and weaknesses, has gaps and may only be applicable to certain types of crime, and not others. There is no 'right' or 'wrong' theory. The theories covered can be categorised into two main approaches: 1) Biological theories 2) Sociological theories

2 Lombroso and Biological Positivism In the 19th Century, Italian prison psychiatrist Cesare Lombroso drew on the ideas of Charles Darwin and suggested that criminals

were atavistic: essentially 'evolutionary throwbacks'. He suggested that their brains were mal-developed or not fully developed. In his review of prisoners, he found that they shared a number of common physical attributes, such as sloping foreheads and receding chins. In so doing, Lombroso suggested that involvement in crime was a product of biology and biological characteristics: criminals were born that way. Lombroso's theory is essentially a theory of biological positivism. Positivism: Influenced by the scientific discoveries of the 18th and 19th centuries, positivism is a research tradition that seeks to establish objective causes of individual behaviour.

- 1) Biological theories Biological explanations of crime assume that some people are 'born criminals', who are physiologically distinct from non-criminals. The most famous proponent of this approach is Cesare Lombroso. Lombroso's work has long since fallen out of favour. However, biological theories have continued to develop. Rather than measuring physical features of the body, contemporary approaches focus on:
 - Biochemical conditions (e.g. linked to poor diet or hormone imbalance)
 - Neurophysiological conditions (e.g. learning disabilities caused by brain damage)
 - Genetic inheritance and/or abnormality
 - IntelligenceThese attempts, to locate the causes of crime within the individual, suggest that there are identifiable differences between offenders and non-offenders. In other words, the criminal is 'other': in some way different or abnormal to everyone else. More information on Lombroso's theories More information on contemporary biological and biosocial approaches
- 2) Sociological theories Sociological approaches suggest that crime is shaped by factors external to the individual: their experiences within the neighbourhood, the peer group, and the family. Contemporary theories of crime, place and space include:
 - defensible space theory, which examines how the design of physical space is related to crime;
 - broken windows theory, which looks the relationship

between low level disorder and crime; and • routine activities theory, which considers how opportunities to commit crime are shaped by between people's everyday movements through space and time. More information on the Chicago School/Social Disorganisation Theory More information on contemporary theories of crime, place and space The Chicago School/Social Disorganisation Theory Social disorganisation theory grew out of research conducted by sociologists at the University of Chicago in the 1920s and 1930s. Its key proponents were Clifford R. Shaw and Henry D. McKay (1942), who used spatial mapping to examine the residential locations of juveniles referred to court. Shaw and McKay found that patterns of delinquency were higher in areas characterised by poor housing, poor health, socio-economic disadvantage and transient populations. This led them to suggest that crime was a function of neighbourhood dynamics and not due to individual actors and their actions. Shaw and McKay explained these patterns by reference to the problems that accompanied immigration to Chicago at this time. They claimed that areas settled by newly arrived immigrants experienced a breakdown of social norms due to ethnic diversity and competing cultural traditions. Conventional institutions of social control were therefore weakened and unable to regulate the behaviour of local youths.

4 Anomie/Strain Theory Anomie is a concept developed by one of the founding fathers of sociology, Emile Durkheim, to explain the breakdown of social norms that often accompanies rapid social change. American sociologist Robert Merton (1957) drew on this idea to explain criminality and deviance in the USA. His theory argues that crime occurs when there is a gap between the cultural goals of a society (e.g. material wealth, status) and the structural means to achieve these (e.g. education, employment). This strain between means and goals results in frustration and resentment, and encourages some people to use illegitimate or illegal means to secure success. In short, strain theory posits that the cultural values and

social structures of society put pressure on individual citizens to commit crime. Jock Young draws on Merton's anomie/strain theory in his recent book, *The Exclusive Society* (1999), locating crime in relation to both structural and cultural processes. Structurally speaking, Young argues that the dismantling of the welfare state, alongside increasing disparities between the rich and the poor, have served to further exclude disadvantaged groups. This has occurred alongside high levels of cultural inclusion. Contemporary consumer capitalism places greater emphasis on conspicuous consumption and material success, intensifying feelings of deprivation experienced by the less successful. (See section on 'Relative deprivation', below). More information on strain theories

More information on the work of Jock Young

5 Subcultural Theory Linked to anomie and strain

are concepts of status frustration and differential opportunity, which North American subcultural theorists used to explain the delinquent activities of disadvantaged groups in the 1950s and 60s. Status frustration is associated with the work of Albert Cohen (1955), who conducted research into group offending by young, lower-class men. Cohen argued that lower-class youths could not aspire to middle-class cultural goals and so, frustrated, they rejected them to create their own subcultural system of values. In school, for example, they gain status and respect by meeting the expectations of peers not teachers, engaging in delinquent activities such as smoking, truanting, and acting up in class. Richard Cloward and Lloyd Ohlin (1960) built on these ideas, pointing to the differential opportunity structures available to lower-class young people in different neighbourhoods: criminal (making a living from crime), conflict (territorial violence and gang fighting) and retreatist (drugs and alcohol). Researchers at the Scottish Centre for Crime and Justice Research draw on some of these ideas in their research on young people and 'gangs'. See, for example, Susan Batchelor's research on girls and violence, which emphasises the gendered meaning of respect in street-

orientated youth groups, or Alistair Fraser's work on territorial gang identity amongst young men in Glasgow. More information on North American subcultural theory

6 Social Control Theory

Strictly speaking control theory does not address the causes of crime, but rather focuses on why people obey the law. In other words, it explains conformity rather than deviance. It is primarily associated with the work of Travis Hirschi (1969), an American social scientist who proposed that people generally conform to social norms due to strong social bonds. Conversely, they engage in delinquent acts when these bonds are broken or weak. The key components of social bonds are:

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

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

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

- Belief: this relates to upbringing. If an individual has been brought up to be law abiding, they are less likely to become involved in crime. Control theory is one of the most frequently used and tested criminological theories.

More information on Hirschi's theory of social bonds

7 Realism: Realist criminology

tends to be written from a particular ideological position, i.e. it is politically right or left. Both approaches attempt to get 'real' about the problem of crime: treating it as a serious social issue.

Right Realism/Rational Choice Theory

This branch of criminology sees individuals as rational actors: individuals are capable of making their own

choices, which includes choosing to commit crime. In any course of action, individuals weigh up the likely benefits and disadvantages of each action. Right realism emerged in the USA and the UK around the 1980s, in response to rising crime rates and a perceived failure of sociological approaches to adequately address the real causes of crime. Prominent right realists such as James Q. Wilson (1975) and Charles Murray (1990) come from political backgrounds and claim that criminological theory should inform criminal justice policy. One of the key theories to emerge from this branch of criminology is rational choice theory, associated with the work of Cornish and Clarke (1986).

According to this theory, individuals not only decide to commit crime, but decide when and where to commit crime. As Walklate observes, this theory lends itself to the range of policy initiatives known as situational crime prevention, sometimes referred to as designing out crime. This is the umbrella term for a range of strategies that are used to reduce the opportunities to commit crime. Examples of this strategy include:

- Increasing formal surveillance measures such as CCTV and alarms, and the Neighbourhood Watch scheme
 - Increasing natural surveillance such as improving street lighting
 - Concealing or removing 'targets' e.g. 'high value' goods such as mobile phones, cash and jewellery
- 8 Left Realism/Relative Deprivation
- Left realism is a branch of critical criminology (see SCCJR What is crime?) that developed in the UK and the USA in the 1980s. It suggests that crime disproportionately affects the lives of the poor and disadvantaged. Key proponents include Lea and Young (1984) and Elliot Currie (1985). One of the key concepts of left realism is relative deprivation. Closely associated

with anomie theory, relative deprivation suggests that crime happens when individuals or groups see themselves as being unfairly disadvantaged compared to other individuals or groups who they see as being similar to themselves. Since the disadvantage is perceived and determined by an individual, it is a subjective assessment. In the 2014 Scottish Government report, 'What works to reduce crime?', Part 3 considers situational crime prevention and includes measures such as those as described above. However, it also includes 'approaches that extend beyond the "situation"' which involve restricting access to weapons and alcohol and investing in diversionary activities (such as engagement in sport) to encourage people to engage in pro social, rather than anti-social, activities (such as crime). More information on rational choice theory Left realists also support two other key theories to explain crime: • Marginalisation: some groups experience marginalisation and at different levels (social, political and economic). These groups are on the periphery of society. Lacking political representation, these groups represent themselves and their ways of taking political action include the commission of crime and violence.

- Sub-cultures: marginalised individuals and groups may come into contact with others who share these experiences, and who then may form their own sub cultures in which crime and violence may feature. More information on 'Left Realism' Criminology

9 Feminist Perspectives/Gender Feminist perspectives share a concern with gender inequality, pointing to the fact that crime is disproportionately committed by men. Feminist criminologists such as Elizabeth Stanko (1985) have paid particular attention to male violence against women, explaining its occurrence by reference to wider structures of oppression – as well as gendered norms regarding 'appropriate' masculine and feminine behaviour. One concept used by feminist perspectives to explain the maleness of crime

is hegemonic masculinity: the set of ideas, values, representations and practices associated with 'being male' which is commonly accepted as the dominant position in gender relations in a society at a particular historical moment (Jefferson, 2006, Sage Dictionary of Criminology). In contemporary Western society, the dominant or hegemonic masculinity is expressed through paid employment (perhaps being the 'bread winner' in the household); being heterosexual; and subordinating women. Criminologist James W. Messerschmidt (1993) argues that for some men, in certain groups, men do masculinity (that is, express their masculinity) through the engagement and commission of crime. Various researchers in SCCJR draw on feminist perspectives in their work, especially in relation to research relating to domestic and sexual violence (see SCCJR Violence Against Women and Girls). More information on feminist perspectives in criminology.

CHAPTER 5

Unlawful assembly prevention Act-Arms act-drug trafficking acts which are based on vicarious liability.so fabrication of cases is easy and there is jail no bail.In these laws bail ki exception jail is law.if a person is not culprit how can you reform him by putting him jail.

Death punishments in India-30 execution of death punishments in India.

After study them most of them are either political criminals or sexual criminals.political criminal in every status but in recent cases they belong to a particular religion.but there are also a reason behind this

Before Independence-

But recently sexual criminals are also hanged like dhanjay chaterjee and Nirbhaya gang rape case accused.but it's happened in rare.because they are criminal and poor that's the main reason of there hanging.its true that they are cold blooded hardcore criminals.

So death punishments are use as assassination of political criminals.so in India political criminals death punishments are so high it has a reason,because political criminals were highly powerful so there organisation made collateral damage like Kandahar hijack,murder of ravindra mahtre and many more.

So it's good to kill them in early stage for preventing collateral damage. Bois locker room case-

Young students in Delhi are highly influenced by web series culture.where there is no censorship

In fact in almost houses after boost of internet connection pornography content is misguiding the youth.

So corporal punishment is not a solution to make them sensible.

There is parenting and school censorship specifically family environment is important.

But family also helpless to control every moment of young life.

And maker pornography and abusive content is also helpless because it's a market and that content having the best business.

Here libido wins.

Priyanka reddy case-A woman brutally raped and buried, but after encounter of named accused are also unacceptable. but people of India is celebrating this occasion, because now no one is trusted in Indian judicial system so it's a big slap on Indian judiciary and executive.

CHAPTER 7

In a case bigamy justice Krishna Iyer remarks about the husband of two females is it justice to put him jail and both women who having nothing to survive, is really they get justice. Both women are innocent and it's not justice how they survive.

Victimless crimes-some of crime are victimless like attempt to suicide, taking drugs etc. so either there is psychologically ill or socially ill so giving them corporal punishment is injustice.

Death penalties in India: Convictions and Acquittals

As the call for giving death penalty to rapists intensifies following a recent spate of gruesome gang rapes and murders, there is need to look at India's standing in sentencing convicts to capital punishment.

Death punishments in India-30 execution of death punishments in India.

After study them most of them are either political criminals or sexual criminals.political criminal in every status but in recent cases they belong to a particular religion.but there are also a reason behind this

Before Independence-

Many cases are commuted to life in prison

Parliament had last year expanded the scope of death penalty by introducing it in cases of rape of girls below 12 years under Protection of Children from Sexual Offences (POCSO).

As per Project 39A report on death penalty, released by National Law University, Delhi, between 2000 and 2014 trial courts sentenced 1,810 people to death, more than half of which were commuted to life imprisonment and about a quarter of those, 443, were acquitted by the Supreme Court and high courts.

The Supreme Court had upheld the death sentence of 73 of these prisoners, out of which many had already spent a decade on death row.

The apex court last year commuted 11 death sentences to life imprisonment,

while confirming them in three cases in the review plea hearing of the December 16 Delhi gang-rape case.

A hefty decision by the courts

Former Chief Justice of India Ranjan Gogoi had heard death penalty cases on priority by constituting four benches, each comprising three judges, which sat simultaneously for over 6 weeks to decide cases of capital punishment.

The apex court had confirmed seven death punishments in 2017 whereas in 2016 it had confirmed capital punishment in one case and commuted seven death penalties.

However, the trial courts in India sentenced 162 persons to the gallows in 2018, which was the highest in nearly two decades, since 2000. Out of these, 45 included cases for murder and 58 for murder involving sexual offences.

The high courts of the country had confirmed 23 death sentences in 2018 whereas they commuted 58 of them and remitted 10 cases. The year saw acquittal in 23 cases in high courts .

About 720 executed since 1947

As per its data on death penalty, as many as 720 prisoners have been executed in India since 1947. Half of these are accounted for by Uttar Pradesh, followed by Haryana, 90 and Madhya Pradesh with 73 executions.

One of the initial executions of independent India, was of Nathuram Godse and Narain D Apte, assassins of Mahatma Gandhi; they were hanged to death in Ambala Central Jail in Haryana on November 15, 1949.

The crimes punishable with death term in India fall under The Prevention of Child Sexual Offences Act (POCSO) 2012, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, Unlawful Activities (Prevention) Act 1967, Maharashtra Control of Organised Crime Act (MCOCA) 1999, Narcotic Drugs and Psychotropic Substances (NDPS) 1985, among others.

In 2018, with 22 cases of capital punishment, over four times more compared to 2017, Madhya Pradesh topped the list of states giving death penalty.

With 16 convicts being sentenced to capital punishment, Maharashtra was second in the list, closely followed by Karnataka and Uttar Pradesh with 15 cases each of death sentences.

So death punishments are use as assassination of political criminals.so in India political criminals death punishments are so high it has a reason,because political criminals were highly powerful so there organisation made collateral damage like Kandahar hijack, murder of Ravindra mahtre and many more.

So it's good to kill them in early stage for preventing collateral damage.

But recently sexual criminals are also hanged like dhanjay chaterjee and Nirbhaya gang rape case accused.but it's happened in rare.because they are criminal and poor that's the main reason of there hanging.its true that they are cold blooded hardcore criminals.

Yakub Memon, the last in line

According to Cornell Centre on the Death Penalty Worldwide, the last execution that had taken place in India was on July 30, 2015 of Yakub Memon, a convict in financing 1993 Mumbai bombings.

Prior to Memon, Muhammad Afzal Guru, who was convicted in the 2001 Parliament attack was sentenced to death by the Supreme Court on December 18, 2002.

He was hanged on February 9, 2013, ten years after his sentencing.

The special court had sentenced Mohammad Ajmal Amir Qasab, the 2008 Mumbai attack gunman, to death on May 6, 2010 and he was executed two years later on November 21, 2012 after the then President Pranab Mukherjee rejected his mercy petition. The top court had confirmed the sentence on August 29, 2012.

Both Qasab and Guru were executed in secrecy without informing their family members or the the public of the President's decision. The world got to know only after the hanging had been carried out.

Suggestions-

In my opinion not every criminal in result of libido or by birth criminals that the concept that how they get pain there soul will reform.

But sometime preventive approach is better than postmortem approach.

If a person is psychopath aur criminal reason of family background or that retaliate mindset.

He cannot reformed.one day he will retaliate.

So corporal punishment and enchantment of corporal punishment increase chaos and enmity.

That's sometime result of riot,murders.

Unnao rape and murder cases of girls are result of that mind set and specially the mindset of superiority complex.so if we want to change the scenario of our legal system first of all we should change our poor mindset.

Because Indian legal system is culprit favourable not victim favourable.after a crime committed if someone is put on jail is it justice.Indian justice system must use proper reformative and preventive approach of crime,not corporal punishment to criminals

Suggestions-

There are many reasons to being a criminal social economic, atomosphere, situation, family lineage.

So we can't calculate the quantum for all as equal.every crime is different and every criminal is different but they are granted same corporal punishment.

Corporal punishment is inhuman.you can't reform any person to put him jail with heinous criminals.

Corporal punishment-In my opinion reason of corporal punishment is based on deterrent theory now in worldwide except some Taliban's states. states adopted reformative theory.But corporal punishment is not based on reformative.

Recently in Saudi Arabia who follow shariyat as whole for punishment also bann flogging in their jails in concern for human rights. It's a good sign.

But apostasy is still a reason for capital punishment in many Islamic countries.

Human rights is kind of right which you can violate the most but make sanctions on others like America.so many of countries used their legal system as deterrent not as reformative.

Suggestions-putting on jail of every criminal is not the gist of reformative theory.A person who commit crime if he is not cold blooded is a psychopath.so you can't reform them to putting behind bars,because problem is with his mind set and it's can't be changed all the time behind the bars.

-In my opinion reason of corporal punishment is based on deterrent theory now in worldwide except some Taliban's states. states adopted reformative theory.But corporal punishment is not based on reformative.

Recently in Saudi Arabia who follow shariyat as whole for punishment also bann flogging in their jails in concern for human rights.its a good sign.

But apostasy is still a reason for capital punishment in many Islamic countries. Human rights is kind of right which you can violate the most but make sanctions on others like America.so many of countries used their legal system as deterrent not as reformative.

Suggestions-putting on jail of every criminal is not the gist of reformative theory.A person who commit crime if he is not cold blooded is a psychopath.so you can't reform them to putting behind bars,because problem is with his mind set and it's can't be changed all the time behind the bars. Suggestions-there are many reasons to being a criminal social economic,atomosphere,situation,family lineage.

So we can't calculate the quantum for all as equal. every crime is different and every criminal is different but they are granted same corporal punishment.

Corporal punishment is inhuman. You can't reform any person to put him jail with heinous criminals.

Bibliography-

Whyte David and toms steve-The corporate criminal

<https://en.m.l.wikipedia.org>

www.fbi.gov

www.legalserviceindia.com

<http://www.casemine.com>

<http://Indian.kanoon.org>

<https://mobile.manupatra.in>