

Positivist approach in criminology

One consequence of positivist approaches in criminology is to suggest either that the individual has some inherent predisposition to criminality, or that the environment forces him towards criminality. In either case the element of free individual choice is reduced

Classical writers, such as Beccaria, urged that the punishment should be proportionate to the crime.

The positivist approach argued that if the individual was inherently criminal a much larger sentence could be justified to prevent future offences and to protect society.

Classes of criminals (Lombroso)

1. *Born criminals* – to be understood as atavistic reversions to a lower or more primitive evolutionary form of development, and thought to constitute about one third of the total number of offenders
2. *Insane criminals*, i.e. idiots, imbeciles, paranoiacs, sufferers from melancholia, and those afflicted with general paralysis, dementia, alcoholism, epilepsy or hysteria
3. *Criminaloids*, a large general class without special physical characteristics or recognizable mental disorders, but whose mental and emotional makeup are such that under certain circumstances they indulge in vicious and criminal behaviour

Somatotyping

One natural extension of Lombroso's approach was into Somatotyping which purports to relate the behaviour and the constitution of a person to the shape of their body.

William Sheldon identified three basic body types:

1. Endomorphic (soft, rounded, fat)
2. Mesomorphic (hard, muscular, athletic)
3. Ectomorphic (thin, weak, frail)

Each body type is associated with a specific temperament:

1. Endomorphic – *viscerotonic* – general relaxation of body; a comfortable person; loves soft luxury; a “softie” but still essentially an extrovert

2. Mesomorphic – *somotomic*- active, dynamic person; walks, talks, gestures assertively; behaves aggressively

3. Ectomorphic – *cerebrotonic* – an introvert; full of functional complaints, allergies, skin troubles, chronic fatigue, insomnia; sensitive to noise and distractions; shrinks from crowds

In a study comparing young male delinquents with a group of students Sheldon concluded that most delinquents tended towards mesomorphy.

The association between mesomorphy and delinquency was also found in a study by the Gluecks. They found that mesomorphs, in general, were *“more highly characterized by traits particularly suitable to the commission of acts of aggression (physical strength, energy, insensitivity, the tendency to express tensions and frustrations in action) together with a relative freedom from such inhibitions to antisocial adventures as feelings of inadequacy, marked submissiveness to authority, emotional instability and the like”*

Family studies

Charles Goring claimed that criminal tendencies were basically inherited. He studied convicts and found that the correlation between father and son – and between brothers – for criminality - was very similar to that for physical traits such as eye, colour and stature.

He argued that these findings could not be explained by the effect of social and environmental conditions, since he found little or no relationship between the frequency and length of imprisonment and such factors as poverty, nationality, education, birth order, and broken homes.

He concluded that criminality was associated with inherited, but not with environmental characteristics and recommended that to reduce crime people with those inherited characteristics not be allowed to reproduce

Despite the heavy suggestion that genetics and crime are closely correlated it is important to recognise that family members also enjoy close social and environmental similarities and therefore the behavioural correspondence may be equally or more explicable on these grounds. All that can be safely argued from these studies is that there are close behavioural similarities within families. It is more difficult to draw strong conclusions as to the causes

Twin studies

Does heredity cause criminality?

In order to answer this question several studies have been conducted on twins.

The claim was that, if identical twins act in identical ways, their behaviours could be the result of identical inheritance, but any difference in behaviour would have to be the result of the environment

There are two sorts of twins:

1. Identical twins (monozygotic) are the product of a single fertilized egg and have identical heredity
2. Fraternal twins (dizygotic) are the product of two eggs simultaneously fertilized by two sperms, and therefore have the same relations as ordinary siblings

If criminality was caused by genetics, then if one MZ twin was criminal then the other would also be criminal, i.e., they would depict concordant behaviour patterns, whereas there need be no such relationship between DZ twins whose behaviour would be different or discordant.

Studies by Christiansen

He drew his twins from the official twin register of Denmark, and collected information on some 6.000 pairs of twins born between 1881 and 1910 and who lived up to the age of 15. He then separated them into MZ and DZ twins, and finally used the Penal register to discover whether either or both twins had been convicted.

In the MZ or identical group he found that for males there was a 35.8 per cent concordance rate, i.e., if one male MZ twin was convicted of a criminal offence the likelihood that the other twin would also be convicted was 35.8 per cent; for male DZ twins the corresponding figure was only 12.3 per cent. For females the differences were even more marked: 21.4 per cent for MZ twins but only 4.3 per cent for DZ twins

It has been claimed that these figures show a significant role is played by inherited factors. It does portray a possible connection, but care must be taken. Christiansen himself recognised that no study had yet provided conclusive evidence of the complete dominance of either genetics or environment. He recognised that none of his results could be interpreted as indicating that heredity played a predominant part in the causation of crime, but stated that it is an a priori hypothesis that heredity and environment always interact in a dynamic fashion to bring about and shape criminal behaviour.

Adoption studies

They aim at discovering whether there is a correlation between biological parental, particularly paternal, criminality and the adoptee's criminality. The tests are based on the adoptee having been removed from the criminal influence of its natural parent at an early age. If such a relationship is found, the argument is that it indicates a correlation between criminality and genetics. Whereas if environmental elements are most important there will be no such correlation, and, instead a link to the behavioural patterns of the adoptive parents will be discovered. Adoption studies are considered particularly important because they isolate one factor, genetics, from the other, environmental influences

Hutchings and Mednick's studies (1977)

Male adoptions where the adoptee was born between 1927 e 1941.

- Boys with criminal biological fathers were more likely to be criminal than those with law-abiding fathers
- Those with criminal adoptive fathers were also more likely to be criminal than those with law-abiding adoptive fathers, but the effects of a criminal biological father were more noticeable than a criminal adoptive father
- the most significant effects were found when both the biological fathers and the adoptive fathers were criminal

In 1992 Walters analysed 38 of the significant family, twin and adoption studies. He concluded that there was a small, though non insignificant, correlation between genetics and crime; that the common environmental element (that suffered or enjoyed by others in the same conditions) seemed to be 24 to 32 per cent; and the remaining 51 to 65 per cent is attributable to specific environmental influences (experiences unique to a particular individual), and to error