

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 6 | Issue 6

2023

© 2023 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

This article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of **any suggestions or complaints**, kindly contact Gyan@vidhiaagaz.com.

To submit your Manuscript for Publication in the **International Journal of Law Management & Humanities**, kindly email your Manuscript to submission@ijlmh.com.

Relevance of Lombroso, Ferri and Garofalo in Respect of Positivism and Biological Trait Theory

SOUVIK CHATTERJI¹, ANGSHUMAN CHAKRABORTY² AND SAMRAT SAMADDAR³

ABSTRACT

Biological Trait Theory and Positivism are the two important criminology theories which had shaped the criminal laws and jurisprudence all over the world. Lombroso created his idea of criminal anthropology in his 1876 book "The Criminal Man" to explain why individuals commit crime. According to his idea, there are fundamental distinctions between offenders and non-offenders. According to Lombroso, born criminals have unique physical features or defects that set them apart. All the theories are relevant even today.

Keywords: Lombroso, biological trait theory, positivism, atavism, Ferri.

I. INTRODUCTION

The criminal, according to Lombroso, was a particular form of human being; an offender was not so much a non-normal human as a different type of human. This unique form of person possessed a number of physical traits that distinguished him or her from "regular" individuals. An asymmetric face, a big jaw, overly long limbs, and epilepsy are a few instances of these physical features. People with these features were atavistic, and so criminals. Lombroso even believed that different categories of criminals could be distinguished, with thieves having distinct physical traits than violent offenders.

The Italian school of criminals, represented by C. Lombroso, developed rapidly in the 1970s.⁴ It was thought that crime was a natural occurrence. It promoted the "born criminals" idea and set a precedent for positivism. Enrico Ferri, a C. Lombroso disciple, expanded C. Lombroso's theory and belonged to the criminal sociology school.⁵ He felt that the cause of crime is decided by a mix of physiological genes, natural circumstances, and social environment, rather than by the individual's biological genes alone. This article investigates Ferri's social defence theory, a representative of the criminal society school, from the position of positivist philosophy, in

¹ Author is the Head of the department at JIS University, India.

² Author is a LL.M. Student at JIS University, India.

³ Author is a student at JIS University, India.

⁴ Lombroso theory is also called Biological Trait Theory

⁵ Ferri was a a disciple and student of Lombroso but had own scientific justification of theory

order to better serve the development of punishment and assist the further depth of penalty theory research.

(A) Lombroso's theory of crime

Cesare Lombroso is considered the father of criminology. Cesare Lombroso is a pivotal figure in the history of criminology. For a long period, his idea on criminal categorization was the primary instrument utilised to characterise them. Some of his theories are still being debated today. Cesare Lombroso was an anthropologist and doctor. Some consider him the "Father of Criminology." His book *Criminal Man*. According to Cesare Lombroso's Classification is regarded as the first comprehensive catalogue of criminal profiles. Along with Enrico Ferri and Raffaele Garofalo, he was a strong supporter of positivism criminology. Darwin's evolutionary theories affected Lombroso greatly. He even proposed criminals as the "missing link" between apes and modern man.

His most well-known idea is on criminals and how to categorise them. There were "born criminals," "criminaloids" (occasional criminals), moral imbeciles, criminals by passion, and criminal epileptics, according to him.

(B) Cesare Lombroso and his criminal classifications

a. Born criminals

Lombroso felt that bodily traits may reveal whether or not someone was a criminal. Criminals, in his opinion, were intellectually and physically inferior in ways that were evident to the human eye.⁶

His physical characteristics for born criminals were a tiny skull, a huge eye socket, a sunken forehead, a bulge on the bottom back of the head, and so on. Psychologically, he described them as insensitive, impulsive, and devoid of guilt.

b. Moral imbeciles

According to Cesare Lombroso's thesis, moral imbeciles are uncommon in mental facilities. They'd be more common in a jail or brothel. They're hostile, conceited, and self centered.

They have a protruding jaw, just like born criminals. Their features were asymmetrical as well. However, they may be identified based on their behaviour rather than their looks. Even as children, they appear crazy.

⁶ Born criminals are important for the police because they can be separated from society

c. Criminal epileptics

Lombroso saw epilepsy as a sign of criminality. Criminal epileptics, he claims, are indolent, animal-loving, destructive, and conceited. He also said that they had suicidal inclinations and were the only ones who attempted to conduct crimes with other people, along with moral imbeciles.

d. Criminals by passion

Criminals motivated by passion act on impulse and with noble intentions. A crime motivated by a non-noble motivation would be considered a common crime.

According to Lombroso, these sorts of offenders have no distinguishing physical attributes, despite being between the ages of 20 and 30.

They're also incredibly loving and likely to experience immense remorse after committing a crime, according to him. Many people attempt suicide. Lombroso suspected three motives for their actions: sadness, politics, and the death of a child.

e. Occasional criminals

Criminals motivated by passion act on impulse and with noble intentions. A crime motivated by a non-noble motivation would be considered a common crime.

According to Lombroso, these sorts of offenders have no distinguishing physical attributes, despite being between the ages of 20 and 30.

They're also incredibly loving and likely to experience immense remorse after committing a crime, according to him. Many people attempt suicide. Lombroso suspected three motives for their actions: sadness, politics, and the death of a child.

According to Cesare Lombroso's atavism theory, criminals are primordial savages who are evolutionarily behind in comparison to regular citizens. According to Lombroso, born criminals have a variety of stigmata or markings that may be used to prove their crime. These include their profuse tattoos, writing and speaking style, and the size and form of their skull, ears, forehead, and hands. Lombroso's literature, notably *Criminal Man*, has several cases in which he compares criminal offenders not just to primitive savages, but also to plants and animals. This article looks at what inspired Lombroso to become a criminologist and why he took the measures he did to better understand the causes and correlates of crime. It first provides a brief overview of each chapter of each of the five editions of *Criminal Man*, before discussing differences between Lombroso's theory and current biosocial criminology.

According to Cesare Lombroso's atavism theory, criminals are primordial savages who are

evolutionarily behind in comparison to ordinary citizens. Born criminals, according to Lombroso, have a variety of stigmata or markings that may be used to prove their crime. These include their extensive tattoos, writing and speaking styles, and the size and form of their skull, ears, forehead, and hands. Lombroso compares criminal criminals to flora and animals in his work, notably *Criminal Man*. This article looks at what inspired Lombroso to become a criminologist and why he took the measures he did to better understand the causes and correlates of crime. It first provides a brief overview of each chapter of each of the five editions of *Criminal Man*, before discussing differences between Lombroso's theory and current biosocial criminology.

(C) Positivist vs. Classical Criminology: What's the Difference?

How positivist and classical approaches to criminal law measure and respond to crime vary. According to Beccaria's classical school of criminology, human greed may lead to crime, and speedy punishment will help dissuade society from engaging in more illicit conduct. The philosophy also holds that fair trials are required to safeguard a person's humanity, and that punishments should be proportionate to the offence.

The positivist school of criminology takes the emphasis off the crime and puts it on the person, analyzing the reason behind the action. Positivists will investigate the societal limitations that certain criminals suffer, as well as how such restraints might encourage crime. Today, criminal justice systems frequently combine these two approaches, and their contrasts, benefits, and drawbacks are frequently studied in social sciences.

(D) 3 Characteristics of Positivist Criminology

Positivist criminologists investigate the societal elements that affect criminals. Characteristics of positivist criminology include:

- i. Positivist criminologists advocate for reform. Positivists value reform over punishment because they feel that punishment will not alter the system that generated the crime and that reform (both inside the person and in society as a whole) is required to see change and reduce crime rates.⁷
- ii. Positivist criminologists identify patterns. Positivists study criminal trends to see why they occur and whether there are any characteristics

⁷ The positivists came later than the Classical School of Criminology and Neo Classical School of Criminology

that link certain crimes, such as age, racial demography, income, mental condition, or place.

- iii. Positivist criminologists study criminal backgrounds. Positivist criminologists note that many factors influence the doing of a crime. Studying a person's life and experiences can help judicial systems learn how to treat the convicted better.

Examples of Positivist Criminology

Positivist criminology applies to many different circumstances. Those who are short on resources, for example, may be more prone to steal food since they require it to survive but cannot purchase meals. Positivist criminology examines these societal factors and calls for improvement rather than harsh punishment.

Similarly, a person in poor mental health may commit a crime in order to demonstrate the need for psychiatric care. In some circumstances, reform rather than punishment can reduce the likelihood of the same person committing the same crime again.

Cesare Lombroso is considered the father of criminology. Cesare Lombroso is a pivotal figure in the history of criminology. For a long period, his idea on criminal categorization was the primary instrument utilised to characterise them. Some of his theories are still being debated today. Cesare Lombroso was an anthropologist and doctor. Some consider him the "Father of Criminology." His book *Criminal Man, According to Cesare Lombroso's Classification* is regarded as the first comprehensive catalogue of criminal profiles. Along with Enrico Ferri and Raffaele Garofalo, he was a strong supporter of positivism criminology. Darwin's evolutionary theories affected Lombroso greatly. He even proposed criminals as the "missing link" between apes and modern man.

His most well-known idea is on criminals and how to categorise them. There were "born criminals," "criminaloids" (occasional criminals), moral imbeciles, criminals by passion, and criminal epileptics, according to him.

(E) Cesare Lombroso and his criminal classifications

a. Born criminals

Lombroso felt that bodily traits may reveal whether or not someone was a criminal. Criminals, in his opinion, were intellectually and physically inferior in ways that were evident to the human eye.

His physical characteristics for born criminals were a tiny skull, a huge eye socket, a sunken

forehead, a bulge on the bottom back of the head, and so on. Psychologically, he described them as insensitive, impulsive, and devoid of guilt.

b. Moral imbeciles

According to Cesare Lombroso's thesis, moral imbeciles are uncommon in mental facilities. They'd be more common in a jail or brothel. They're hostile, conceited, and self-centered.

They have a protruding jaw, just like born criminals. Their features were asymmetrical as well. However, they may be identified based on their behaviour rather than their looks. Even as children, they appear crazy.

c. Criminal epileptics

Lombroso saw epilepsy as a sign of criminality. Criminal epileptics, he claims, are indolent, animal-loving, destructive, and conceited. He also said that they had suicidal inclinations and were the only ones who attempted to conduct crimes with other people, along with moral imbeciles.

d. Criminals by passion

Criminals motivated by passion act on impulse and with noble intentions. A crime motivated by a non-noble motivation would be considered a common crime.

According to Lombroso, these sorts of offenders have no distinguishing physical attributes, despite being between the ages of 20 and 30.

They're also incredibly loving and likely to experience immense remorse after committing a crime, according to him. Many people attempt suicide. Lombroso suspected three motives for their actions: sadness, politics, and the death of a child.

e. Occasional criminals

Finally, Lombroso classified occasional offenders into three types: pseudo-criminals, "criminaloids," and professional criminals.

Pseudo-criminals engaged in three categories of crimes: involuntary, non-perverse (nearly usually motivated by need), and self-defense. Crimes of circumstance are committed by criminaloids. Professional criminals act lawfully while also committing crimes.

For a long time, Cesare Lombroso's criminal categorization theory was the gold standard. When others applied the scientific method to his idea, very severe flaws emerged. It also led to prejudice and the concept of "eradicating" offenders at times.

(F) Enrico Ferri-Criminologist theories

Positivist ideas have been chastised for failing to identify the causes of crime and establish effective crime management and prevention solutions. Positivist ideas ignore the importance of free choice in establishing the causes of crime. Individual treatment or social intervention would be used in crime reduction strategies. As a result, the argument that criminals cannot help but commit crime implies that it is difficult to prevent crime and treat offenders.

Positivism

Case Study

Ferri felt that a variety of causes contributed to crime:

1. physical -- race, climate, geographic location, season of year, temperature, etc.
2. anthropological -- age, sex, organic and psychological condition
3. social -- population density, religion, customs, governmental structure, economic and industrial condition

Ferri felt that individuals who committed crimes should be imprisoned for as long as possible without the possibility of atonement.

Ferri is well-known as one of the creators of the positivist theory.

The positive hypothesis is founded on the ideas that:

Criminals are born not made.

This is an example of nature rather than nurture.

Biological and psychological aspects were employed to explain criminal conduct.

Positivism ignores the concept that people commit crime as a result of their own free will. Instead, the hypothesis contends that people who commit crime are compelled to do so owing to personal socioeconomic circumstances.

(G) Ferri Background

Enrico Ferri was an Italian criminologist who studied under fellow thinker Cesare Lombroso. Despite being a student of Lombroso, Ferri opposed Lombroso's theories that criminals could be identified by physical features of an individual such as large noses, prominent foreheads and defined jaws. Instead, Ferri felt that criminals were the product of socioeconomic causes and dedicated his career researching the socioeconomic impacts on crime and offenders.

a. Enrico Ferri-Criminologist theories

Positivist ideas have been chastised for failing to identify the causes of crime and establish effective crime management and prevention solutions. Positivist ideas ignore the importance of free choice in establishing the causes of crime. Individual treatment or social intervention would be used in crime reduction strategies. As a result, the argument that criminals cannot help but commit crime implies that it is difficult to prevent crime and treat offenders.

Positivism

Case Study

Ferri felt that a variety of causes contributed to crime:

- 1) physical -- race, climate, geographic location, season of year, temperature, etc.
- 2) anthropological -- age, sex, organic and psychological condition
- 3) social -- population density, religion, customs, governmental structure, economic and industrial condition

Ferri believed that those who committed crimes should be detained for as long as possible and should not be given any kind of option for redemption.

Ferri is known for being one of the founders of the positivist theory.

The positive theory is based on the concepts that:

Criminals are born not made

This is an example of nature rather than nurture.

Biological and psychological aspects were employed to explain criminal conduct.

Positivism ignores the concept that people commit crime as a result of their own free will. Instead, the theory states that those who commit crime cannot help but doing so due to their personal socio-economic influences.

(H)Ferri Background

Enrico Ferri was an Italian criminologist who was the student of fellow criminology theorist Cesare Lombroso. Despite being a student of Lombroso, Ferri opposed Lombroso's theories that criminals could be identified by physical features of an individual such as large noses, prominent foreheads and defined jaws. Instead, the hypothesis contends that people who commit crime are compelled to do so owing to personal socioeconomic circumstances.

Ferri was born in Lombardy, then part of the Austrian Empire in 1856, and worked first as a

lecturer and later as a professor of Criminal law, having spent time as a student of Cesare Lombroso. While Lombroso studied anthropological criminology, Ferri concentrated on the social and economic factors on crime and crime rates.

Ferri's study led him to propose theories advocating for crime prevention tactics to be the backbone of law enforcement, rather than punishing criminals after their crimes had occurred. He founded the positivist school and studied psychological and social positivism as opposed to Lombroso's biological positivism.

Ferri, a radical at the time, was elected to the Italian parliament in 1886. In 1893, he joined the Italian Socialist Party and became the editor of their daily newspaper, *Avanti*. In 1900 and 1904, he spoke out in Congress against the positions of socialist ministers in capitalism administrations.

Ferri supported Italian neutrality during World War I and was re-elected as a Socialist Party representative in 1921. In postwar Italy, he became a supporter of Mussolini's Fascist administration. Ferri died in 1929.

Ferri is cited multiple times in Scipio Sighele's early work "The Criminal Crowd" regarding mass psychology as a contemporary colleague and friend. Both sociologists held about the same opinion regarding the impact of a crowd on its members. Gabriel Tarde and Gustave le Bon both described this essential principle.

II. GAROFALO' THEORY

He studied under Cesare Lombroso, widely recognised as the father of criminology. He denied the Classical School's major principle of free choice and advocated for the idea that crime can only be understood via scientific investigation. He aimed to develop a social definition of crime that would identify those activities that might be suppressed by punishment. These were deemed "Natural Crime" and offences against the two essential altruistic impulses shared by all individuals, namely probity and piety. Raffaele Garofalo was one of the three primary proponents of the positive criminology school. Garafalo was born in Naples in 1852 and began his career as a Magistrate in Italian courts before rising to the position of Minister of Justice in 1903. He stressed the need for a closer study of the circumstances and living conditions of criminals. He was adamant that a criminal is a product of his surroundings. He was the only positivist with diverse experience as a renowned jurist, a senator, and a criminal law professor. As a result, he tackled the subject of crime and offenders in a far different way than his contemporaries. Crime is an evil act that harms society. This was a psychological orientation as opposed to Lombroso's physical-type anthropology.

Raffaele Garofalo (1852–1934) was the third of the leading exponents of positivism. Garofalo was born in Naples in 1852 to Italian nobility. He taught criminal law at the University of Naples and is best recognised in the United States for his major book, *Criminology*.

Garofalo also disagreed with the notion of free will. He felt that only scientific techniques could be used to understand crime and criminal behaviour, and that science dealt with universals. As a result, he devised a universal sociological definition of crime that would "designate those acts which no civilised society can refuse to recognise as criminal and repress through punishment."

Garofalo disputed the definition of crime as "that conduct for which the law has provided penalties and has denominated criminal" because he thought it was unsuitable for scientific reasons. He considered this "juridical" definition of crime to be insufficient since it contained as well as eliminated behaviours that he believed should be included in a sociological definition of crime. His notion of "natural crime" was "conduct that offends the fundamental moral sentiments of pity (revulsion against the voluntary infliction of suffering on others) and probity (respect for others' property rights)." According to Garofalo's theoretical theory, "the concept of natural crime serves the primary end of identifying the true criminal against whom social defence measures must be taken." Natural crime is defined as behaviour that breaches some fundamental moral values. The actual criminal is one whose altruistic sensitivities are absent or in a condition of deficiency. Thus, the notions of crime and criminal are inextricably linked. Garofalo pioneered the idea of psychological or moral abnormality. To put it another way, he argued that the actual criminal is aberrant and "lacks a proper development of altruistic sensibilities." This absence or insufficiency is biological rather than the result of situation or environmental conditioning. According to Garofalo, a "casual offender" does not exist. This moral oddity, he argued, was "hereditarily transmissible" and "established by unimpeachable evidence." Thus, Garofalo emphasised congenital and hereditary elements while downplaying exogenous influences. Making environmental and social elements less significant had an impact on his conclusions about crime-prevention strategies. For example, Garofalo did not feel that education was an agent for crime elimination; rather, he saw education as "primarily determinative of the types of crime committed." He was similarly sceptical about economic misery as a cause of crime, but he emphasised the significance of a stable home environment and religious education for children as a crime-prevention strategy. Without a doubt, "external causes such as tradition, prejudices, bad examples, climate, alcoholic liquors, and the like have an important influence," according to Garofalo. However, in our opinion, there is always a special element inherent in the instincts of the actual criminal, which is congenital or inherited, or else learned in early childhood and become inseparable from his psychic organism Garofalo's

concepts of crime and criminals provide a base for his “social defense” against criminality. According to Garofalo, due of the “absence or deficiency of the basic altruistic sentiments,” the criminal “demonstrates his unfitness” or “lack of adaptation” to his social environment: “Elimination from the social circle is thus the penalty indicated.” This emphasis on abolition results in "a theory of punishment or treatment in which the criminal's incapacity is the most important consideration." Secondary aims include potential offender deterrence and offender rehabilitation. The key to removing criminals from society was incapacitating them by death, incarceration, or “transportation” (exile to penal colonies). Garofalo proposes three methods of eviction:

1. Death for individuals whose actions are caused by a “permanent psychologic anomaly that renders the subject permanently incapable of social life”.

2. Partial erasure, including long-term or life incarceration and transportation for those “fit only for the life of nomadic hordes or primitive tribes,” as well as comparatively light isolation of agricultural colonies for young and optimistic offenders.

3. Compulsory atonement for individuals lacking in altruism who committed their crimes under extraordinary circumstances unlikely to occur again.

Garofalo believed that his theory of punishment satisfied three conditions necessary for it to be "an effective instrument of public policy": It met the deep-seated public demand for punishment of the offender simply because he committed a crime; its general principle of elimination was sufficiently intimidating to contribute to deterrence; and the social selection that resulted from its operation offered hope for the future by slow eradication of criminals and their offspring. In their different emphasises on internal or external causes of criminal behaviour, Comte, Lombroso, Ferri, and Garofalo represent the range of positivist perspectives. Despite its different features, positivism's perspective greatly contributed to the development of criminology and criminal justice in the United States, owing to positivists' embrace of the scientific method and stress on society's need for protection against criminals.

The “positivist school” was a social movement that emerged in the mid- to early-nineteenth century. The “positive” aspect was the forward-thinking approach towards societal and personal improvement (the perfectibility of both society and human nature).

The term “positivism” refers to an analytical process based on the accumulation of observable scientific facts. Its goal is to explain and, more significantly, anticipate how facts occur in predictable patterns.

Most natural sciences are founded on positivism, and positivist criminology is the application

of positivist methods to the study of people.

Positivists presume that scientific study of criminal behavior will uncover the "causes" of such behavior, causes that are beyond the control of the individual. As such, these explanations are deterministic.

Positivist criminologists believed that if criminal behaviour could first be understood, it could be regulated. While some have argued that positivistic theories offered a humanitarian alternative to the punishment regime mandated by free will explanations, the former have been openly accepted by Fascists as well as libertarians.

Some of the common, defining features of the positivist school in criminology include:

- Most people consider Lombroso (1835-1909) to be the pivotal figure in positivist criminology (commonly referred to as the "Father of Criminology").
- Darwin (social selection), Lavater (facial traits), and Gall (phrenology, or lumps on the head--the skull being a real mirror of brain size) affected him).
- Whereas earlier workers studied crime in abstract, he turned towards a study of the criminal himself.
- He decided there was a need for empirical and analytical study of the criminal. He believed in the need for first hand observation and measurement in individual cases.

Lombroso thought that congenital and physical characteristics were static, and so always available for observation.

The main drawbacks of the study were as follows.

First, many of the criminals he studied were mentally ill and therefore unrepresentative of the general criminal population. He also worked with inadequate control group.

For example some of the work was based upon samples from prison populations, where compared to the population as a whole, there was an over representation of those of Sicilian origin.

The characteristics which Lombroso indicated as being atavistic may have been more prevalent in that part of Italy but the theory that such characteristics led to criminality was severely criticized.

Physiognomy was developed by Johan Lavater who published his 4 volume *Physiognomical Fragments* in 1775.

Women with beards and men without beards were regarded with mistrust..

Unusual physical traits were thought to be related to strange behavior, such as tattooing the body.

Faces with "shifty" eyes, "weak" chins, or "arrogant" noses were also believed to be suspicious.

Lombroso incorporated many of these ideas.

Franz Gall beginning in 1791 expounded the theory of phrenology. Gall was an anatomist who felt that each part of the brain was in charge of a separate component of human functioning.

Darwin was regarded to be an excellent beginning point for a legitimate scientific explanation of criminal behaviour by positivist criminologists.

Darwin made the point that humans and other animal species were fundamentally related rather than uniquely different.

Although humans were more advanced than any other animal species, the distinctions were “of degree” rather than “of kind.”

Lombroso formed his views in such an intellectual setting.

In addition, earlier biological explanations of criminal behavior such as phrenology had made inroads among educated populations in America and Europe.

Included in Gall’s functionally controlled areas of the brain were friendliness, destructiveness, benevolence, and acquisitiveness.

Internal inspection of brain tissue was not required to identify whether an individual suffered from brain dysfunction, however phrenologists did do brain dissections when given the opportunity. External examinations, on the other hand, were thought to be a good predictor of interior brain growth.

In particular it was thought that enlarged or unusually undersized brain sections produced bumps or depressions in the skull respectively.

Because of this assumption, practically any "doctor" could do phrenological tests and diagnose the causes of a person's troublesome behaviour.

On *Criminal Man*, Lombroso's work, was published in 1861 and stated the following points:

He assumes the existence of a distinct anthropological type – the born criminal.⁸

Criminals are evolutionary degenerates (throwbacks, called atavism)

According to this Idea a criminal is supposed to be a throwback in the evolutionary chain, a

⁸ Lombroso, *On Criminal Man*, 1861.

reversion to an earlier and more primitive being who was both mentally and physically inferior. The criminal reflected our lower and more ape like ancestors.

Criminals have a unique physical type.

- 1.Unusually short or tall height**
- 2.Small head, but large face**
- 3.Small and sloping forehead**
- 4.Receding hairline**
- 5.Wrinkles on forehead and face**
- 6.Large sinus cavities or bumpy face**
- 7.Large, protruding ears**
- 8.Bumps on head, particularly the Destructiveness Center behind ear**
- 9.Protuberances (bumps) on head**
- 10.High cheek bones**
- 11.Bushy eyebrows**
- 12.Large eye-sockets**
- 13.Deep, beady eyes**
- 14.Beaked nose (up or down) or flat nose**
- 15.Strong jawline**
- 16.Fleshy lips, but thin upper lip**
- 17.Mighty incisors, abnormal teeth**
- 18.Small or weak chin**
- 19.Thin neck**
- 20.Sloping shoulders, but large chest**
- 21.Long arms**
- 22.Pointy, webby, snubby fingers or toes**
- 23.Tatoos on body**

If a person had five or more of these atavisms, the person was a born criminal.

Lombroso also claimed that born criminals portrayed the following features: Sensory peculiarities, greater sensibility to pain and touch, acute sight, less acute hearing, taste and smell.

Functional peculiarities, including greater agility, more ambidexterity and greater strength in left limbs

A lack of moral sense, including an absence of repentance and remorse, the presence of vindictiveness, cynicism, treachery, vanity, impulsiveness, cruelty, idleness, participation in and love of orgies, a passion for gambling and an irresistible craving for evil for its own sake.

- Use of slang
- Tendency to express Ideas pictorially
- Excessive use of tattooing
- Excessive idleness

He also connected epilepsy to criminality, going on to say that all criminals were epileptic but refrained from saying that all epileptics were criminals. Subsequently he amended this claim to 30% of criminals being epileptic.

In his early works he wrote almost exclusively about physical characteristics of criminals, but in later writings he began to include such things as rainfall, climate, the price of grain, sex and marriage customs, banking practices, structure of government, church, religion, criminal laws and poor education as factors which have an effect on criminality.

This huge extension of the number of variables threatened to swamp his original thesis, but added to his reputation as the father of modern criminology because it encompassed the three major strands of most contemporary works – biology, psychology and the environment.

Later his earlier view that all criminals are born criminals was revised to represent only a third of all criminals. The other two thirds fell into two other groups, “Insane criminals” Idiots, imbeciles, paranoiacs, sufferers from melancholia, paralysis, dementia, hysteria, epilepsy and alcoholism.

Finally he conceded that there what he termed “occasional criminals” The last group he divided into three distinct subgroups, pseudo-criminals, Criminaloids and habitual criminals. Pseudo-criminals are those who commit crime involuntarily, either due to perverse laws, or in defense. Criminaloids were rather difficult to characterize because they possess neither any physical anomalies nor recognizable mental disorders but their mental and emotional facilities were such, that in certain circumstances they would indulge in vicious and criminal behaviour.

(Lombroso eventually consigned more than half of the criminals to this type.) Habitual Criminals, possess no inbred tendencies, but turn to it for reasons such as poor education and training at an early age with association with criminals.

Ferri (1856-1929) was a Lombroso student most known for his conclusive attack on the notion

of free will.

He contended that all crime is the result of involuntary behaviour.

The social environment has the greatest impact on habitual offenders, although biological and psychological variables also play a role. Ferri ended up fighting for the socialist (fascist) cause in Italy (under Mussolini) to demolish the classical underpinnings of law and strive to enhance the working class's living circumstances.

Ferri was one of the first researchers to get interested in crime statistics. While Lombroso's biological determinism piqued his curiosity, Ferri constantly contended for a wider explanation of crime.

Ferri, in particular, thought that social, economic, and political variables were critical in developing a coherent theory of crime. Included among the factors were:

- (a) physical (race, climate, geographic location, seasonal effects, temperature)
- (b) anthropological (age, sex, organic and psychological conditions)
- (c) social (density of population, customs, religion, organization of government, economic and industrial conditions).

From these factors Ferri developed a fourfold typology of criminal types (insane, born, occasional, and criminal by passion) in his work, *Criminal Sociology*.

Ferri was also among the first criminologists to emphasise the need of "crime prevention."

Some of his recommendations were fairly realistic, such as increased use of street lights and state control over weapon manufacturing (and distribution). He was one of the first to advocate massive government involvement and government restructuring as ways to lower crime rates.

The analysis of crime statistics would reveal which programmes were and were not effective.

Among the major changes Ferri proposed were: free trade, abolishing monopolies, public savings banks, foundling homes, and public recreation. Ferri also suggested public housing for the poor, a welfare state idea.

He also believed that birth control, particularly for the more criminogenic groups, may be beneficial. During the midst of his career, Ferri was a socialist, but he eventually became a Fascist.

This exemplifies the adaptability of positivist frameworks. All authoritarian governments are concerned with social control of deviant populations.

Garofalo (1852-1934) was another Lombroso student who was prominent in the American

eugenics movement (1911-1930), which sterilised thousands of society's misfits and defectives in order for them not to reproduce.

Garafalo believed in the theory of survival of the fittest. He popularised the expression "society is an organic body, and crime is the disease" (also known as the social defence approach to criminological positivism) and pioneered concern for moral degradation. Criminals exhibited flaws in their moral reasoning. They lacked sympathy (resistance to watching another human being suffer) and probity (respect for the property of others).

One of Garafolo's objectives was to provide a universal definition of crime. He claimed to have accomplished this with his concept of "natural crime." By natural crime Garafolo included offenses violated the two basic altruistic sentiments common to all people in all ages: "probity" [morality, virtue] and "pity" [feeling for others, remorse].

However Anthropologists have been hard pressed to find a universal content to morality although all cultures employ the concept. Lombroso and Ferri's physical type ideas were rejected by Garafolo. He favoured a "psychological" approach instead.

His punishment philosophy was Darwinian. Garafolo pushed for the "elimination" of some criminal types based on the survival of the fittest concept.

He advocated for the death penalty for those with permanent psychological abnormalities (i.e., psychopaths), "partial elimination" (permanent imprisonment) for those fit only for "the life of nomadic hordes or primitive tribes," and "enforced reparation" (restitution) for those lacking altruistic sentiments but unlikely to repeat their crimes. Garafolo felt that by using these approaches, we might progressively remove our criminal populations.

III. CONCLUSION

Cesare Lombroso formed the Positivist School, which was directed by two others: Enrico Ferri and Raffaele Garafalo. It has been sought in criminology to achieve scientific objectivity for the measuring and quantification of criminal behaviour. Their criminal orientation ideas are employed by police and investigation organisations all around the world. So the relevancy remains all across the world.

IV. REFERENCES

1. Larry Siegel, *Criminology*, 7th Edition, Wadsworth Pub., Australia 1999, pp. 146-155
2. Dr Souvik Chatterji, *Law of Crimes with an introduction to Criminology, Penology and Victimology*, Thomson Reuters, India, 1st Edition, 2016.
