

A CLASSICAL AND POSITIVIST PERSPECTIVE OF UNDERSTANDING CRIMINAL BEHAVIOUR

Damfebo Kieriseiye Derri

LL.B, BL, LL.M, PhD

Senior Lecturer

Faculty of Law, Niger Delta University
Yenagoa Campus, Ovom, Bayelsa State, Nigeria

Phone: +2348034719384; +2348051953852

Mail: chiefderri@gmail.com

Asiafiti, Christopher

LL.B, BL

Lecturer, Niger Delta University

Phone: +234 8035432747

Mail: asiafitic@yahoo.com

Abstract:

This paper examines criminal behavioural tendencies as understood in the contexts of classical and positivist criminology. Classical Criminology admits that criminal behaviour is deliberate. It, therefore, advocates a proportionate punishment of the criminal vis-a-vis the crime purportedly committed. Classical criminology blames the criminal for not exercising his sense and power of rationality as a cause for anti-social behaviour. Positivist criminology, nevertheless, adopts a scientific approach at explaining criminal behaviour and attributes criminal behaviour to some interplay between chromosomal, genetic and bio-chemical variables inherent in the human body. Despite the laudable contributions of classical and positivist criminology to the development of modern penal frameworks, criminal behaviour cannot be understood within the confines of the two theories unaided. Findings are that, beyond the domains of classical and positivist criminology lay an array of variables which classical and positivist criminology ignored in an attempt to advance an understanding of criminal behaviour. It is contended that to understand criminal behaviour, the criminal should be a fortiori diagnosed. A holistic approach, which seeks to strike a balance at understanding the criminal in the mirror of any conceivable variables that may account for an anti-social behaviour against the norms of society, and a criminal justice system aimed at looking beyond the punishment of the criminal for crime prevention and deterrence exclusively, would significantly engender a viable Criminal Justice System.

Keywords: Classical and Positivist Criminology, Understanding Criminal Behaviour, Criminal Justice System, Crime, Ante-social Behaviour.

Introduction:

In order to understand criminal behaviour in its proper perspective, it may be imperative to have several contextual issues adequately considered and explained. A society devoid of properly delineated social values and norms (crimes) for observance by its members does not grapple with the inherent scruples of criminality and its control. Therefore, criminal behaviour or criminality is a byproduct of failure by an individual to behave in consonance with accepted and defined norms by society for general observance and compliance for an overall protection of life, property and sanity of that given community. Every civilized society has codified in its legal system, acts and omissions which are described and defined as crimes or offences. The nature of what acts and omissions may constitute as crime, or when violated would amount to criminal breach varies contextually from society to society. There are also varying degrees of penalty that accompany as sanctions for every of such given violation either of an act or omissions as the case may be. Despite diverse degrees of punitive measures leveled against crime commission, the spate of crime commission grows in leaps and bounds in society. Governments all over the world devote a great deal of

resources and attention in combating crime. The developed democracies in the likes of USA, France, Japan, Russia and Britain are not exempted in the fight against crimes ranging from murder, theft, corruption to acts of terrorism. Nigeria, for instance, is a typical society bedeviled with crime and criminal behaviour in different shapes and colours. The Nigerian government is daily confronted with various degrees of one form of criminal activity or the other. At present, the attention of the Federal Government has shifted from an official fight against corruption to that of terrorism by the Boko Haram Group in the North-Eastern Region of the country.

One tends to wonder what the causes were. Could it be a systemic collapse occasioned by failed management of resources or a breakout of moral breakdown alien to any known plausible solution in defiance to failed leadership? Puzzles such as this may keep crippling in. Yet, one may not be able to pinpoint to any tangible variable as the real progenitor of crime and criminality. Criminality has, in all times and spheres, beaten or rendered the fight against it maximally unproductive. The question then is: why do people commit crime even with their lives? The imposition of death penalty, incarceration and imprisonment and a host of other different punitive measures with a view to reducing criminality have not succeeded in curbing the ever increasing spate and urge to commit crime by people. It is this undying quest or urges to commit crime by people against punitive measures and institutions in societies that birthed varying criminological inquiries into the cause of crime and why people behave criminally or demonstrate such criminal tendencies in society.

Criminological inquiries geared towards explaining and understanding the unabated criminal tendencies in people to commit crime or behave criminally differ and agree in various degrees and dimensions. These explanations are found in the classical, positivist, sociological, psychological as well as the radical or critical schools of criminology. All of these schools attempted, as it were, to explain crime and criminality from the perspectives in which they understood the subject-matter better.

Of all these theories of explanations, the task of this paper is to conduct an investigation into classical and positivist criminology, respectively, with a view to portraying the extent to which criminal behaviour and the concept of crime can be comprehended and have been understood in view of the respective explanations. But to achieve this task, this paper would explore further thoughts, especially as they concern or border on positivist criminology to conclude that criminal behaviour cannot be wholesomely understood in the context and confines of the classical cum positivist theories solely. It is the resolve of this paper, therefore, to chart a new course for the explanation and understanding of criminal behaviour and crime control, using the platform of classical and positivist criminology as a basis for this new understanding.

The Concept of Crime and Criminal Behaviour:

It has been observed and maintained by Trade, one of the many critics of Lombroso, that crime, being of a social origin, is of changing nature; that social definitions determine what constitutes crime and that criminal behaviour can only be explained and understood in civilized societies.¹ According to him (Tarde), crime cannot be found in a savage society, devoid of any such definitions.² Hence, savage or primitive societies which have no definitions of what subject matters constitute as crime cannot discuss criminal behaviour.³

In the light of this, it is important therefore to note that every behaviour constituting as crime and thus forbidden as an act or omission is defined or codified with an accompanying sanction for breach. A crime is accordingly defined as an act or omission which renders the person doing the act or making the omission liable to punishment under the criminal

¹ See Quadri, S. M. A., *Criminology and Penology*, 6th Ed. (Lucknow, Eastern Book Company, 2011), P. 82.

² Ibid.

³ Yet in practice, it will be pretty difficult to find a society in this contemporary era which has not codified what it intends to treat as crime. Again, viewing crime in this line of thought is usually regarded as defining or describing crime in legal terms through social interaction.

code,⁴ or under any act or law.⁵ Such act or omission contains physical and mental elements required to be proven in order to establish the guilt of the person alleged to have behaved criminally.⁶

It is an intentional act or omission in violation of criminal law (statute or case law) committed without defense or justification and sanctioned by the state⁷ as felony or misdemeanor.⁸ In an attempt to comment on the above definition given by the Lawyer-sociologist, Paul W.Tappan, Professor Quadri concluded that the definition could be reduced conveniently to an act or omission in violation of a criminal law. He added that an act or omission does not have to be intentional in order to be a crime. It could also be punishable on the basis of knowledge, recklessness or negligence or even without reference to the mental element of the wrongdoer, i.e. based on the concept of strict liability.⁹ Crime has also been described as an act deemed by statute or by common law to be a public wrong and is therefore punishable by the state criminal proceedings.¹⁰

Crime, as relatively well-defined in recent times, was a subject of abuse in the hands of judges who wielded such absolute powers in dispensing criminal justice. It was observed, thus, that classical criminology emerged to rebel against an arbitrary system of law where almost every wrongs were regarded as crime and the death penalty was used for many offences.¹¹ The law of crime was applied unequally and corruption was widespread as well as the obtaining of confessions by means of torture.¹² So, the phenomenon of crime is viewed as a creation of social interaction defined in legal terms or context for the purpose of differentiating it from other norms and values or wrongs which may not have the tendency of negatively affecting the collective good of any given society at a given point in time.¹³

On the other hand, criminal behaviour, as indicated earlier, can only be explained and understood in the light of crime. Without a proper delimitation and description of what kind of behaviour attracts criminal reprehension in a given society, there cannot exist in the community a behaviour to be termed or regarded as criminal.

Thus, criminal behaviour is generally seen as a conduct deemed to be harmful. It is a form of behaviour which causes pains, distress, and loss of other individuals, groups or to oneself or property.¹⁴ The harm is usually associated with the image of a victim or an injured party which provides a notional link between crimes in civil societies and sins in religious societies.¹⁵

⁴ See for example section 2 of the Nigerian Criminal Code Act as well as that of the Penal Code applicable in the Southern and Northern Regions of the Country. These instruments and many others clearly define and describe such acts and omissions that constitute as crime as well as the corresponding or appropriate sanction for breach or violation.

⁵ Any other Act or Law here refers to all other Acts and Laws which also describe offences and punishments that are not contained in the two principal Acts. The other Acts may include the EFCC Act, the NDLEA the Armed Robbery and Fire Arms Act, etc.

⁶ For detailed discussions on physical and mental components of crime, see C. O. Okonkwo, *Okonkwo and Naish on Criminal Law in Nigeria*, 2nd Ed., (Ibadan, Spectrum Books Limited, 2005), PP. 43-56.

⁷ It must be noted that originally, crimes were not defined. Crimes did not involve official actions because all acts were considered private matters. The practice then was that individuals who were wronged took action against the wrongdoer or the wrongdoer's family. The concept of crime however developed but was confined to acts committed against the king. Thus, anyone who injured one of the king's subjects was considered to have injured the king – hence the phrase “keeping the peace of the king” developed.

⁸ See Paul, W. T., *Crime, Justice and Correction*, (New York: Mc Graw-Hill, 1960), P. 10.

⁹ See Quadri S. M. A., *Op. Cit.* P. 3.

¹⁰ See Martin E. A., *Oxford Dictionary of Law*, 6th Ed. (New York, Oxford University Press, 2006), P. 140. See also Elmer, H. J., *Crime, Correction and Society*, (1974), P. 11. For the social definition of crime where crime is defined as an act which the group (group) regards as sufficiently menacing to its fundamental interests, to justify formal reaction to restrain the violation.

¹¹ See Sue, T. R., *Crime and Criminology*, 9th Ed. (New York: Mc Graw-Hill, 2000), 61.

¹² *Ibid.*

¹³ This reasoning may have apparently accounted for why the Wolfendon Commission in UK did not regard homosexuals and gay marriage as wrongs that should be accorded with criminal reprehension and thus refused to sanction such perceived wrongs as crime.

¹⁴ The crime against property, according to radical criminology, is a criminal prohibition intended to control certain threats to elites' property, power and position. See Dambazau, A. B., *Criminology and Criminal Justice*, (Ibadan, Spectrum Books Limited: 2012), P. 24 for detail discussions on radical criminology.

¹⁵ See Devitin P., *The Enforcement of Morals*, (London, Oxford University Press, 1959), Opinion cited in Chegwe E. N., “Law and the Social Construction of Criminal Behaviour: Some Nigerian Illustrations”, Vol. 1, No. 1, (2006), *Delsu Journal of Jurisprudence and International Law*, PP. 57-58.

Because civil societies have delimited crime from other wrongs with a view to ensuring clarity and justice in criminal administration, and to make a radical departure from the pre-classical society where almost every crime attracts death penalty, criminal behaviour or tendencies can, in contemporary times, be more easily identifiable and clearly defined in societies and thus be adequately dispensed or dealt with.

In Nigeria, for example, the spate of crime and criminal behaviour is growing in a geometrical progression. Criminal behaviour in the forms of murder, theft, kidnapping, embezzlement and corruption, cyber crime and acts of terrorism have gone wild and have defeated several punitive measures put up by successive administrations. Professor Adeniyi puts it more succinctly when he said in an Inaugural Lecture captioned: “Tough on Crime but Soft on Justice” that:

Nigeria is a nation wallowing in crime and yearning for justice. The crime situation in the country has gone beyond the breaking of law, which is merely a formal act that may lead to arrest and prosecution; it is rather an intricate process by which some people violate some laws under some circumstances. Many disciplines are now contributing to an understanding of the process of [criminal behaviour] with a view to controlling its spread, curtailing its impact and achieving justice for the society.¹⁶

Even at the international level, international and cross-cultural crimes are emerging in varying magnitudes.¹⁷ Crimes against humanity ranging from aggravated genocide to rape and an array of such grievous criminal behaviour have, according to Adeniyi, assumed global dimension across the continents necessitating the extra-territorial application of crime bordering on impunity of heads of states that culminate in mass deaths of their subject.¹⁸

It is therefore not surprising that the multi-disciplinary approach has been adopted at tackling the menace of crime and criminal behaviour in all ramifications. Hence, the study of criminology focuses on the role of crime in organized society, the nature and causes of crime and criminal behaviour as well as the relationship between crime and social behaviour.¹⁹ For civil societies to be able to control crime and reduce it to an appreciable level, criminal behaviour must be studied and understood by persons saddled with the responsibility of dispensing criminal justice. It is however not sufficient to define acts and omissions that may make up crime in society. Yet, it may all together suffice if the criminal is understood so as to bring about measures that will assist the criminal in shaping such deviant tendencies in him for a crime-free society. But can we have a crime free society, that is, a society devoid of criminal behaviour? This is considered to be a rather utopian, and is opposed to the view of the sociological school of criminology headed by Emil Durkheim (1858-1917) which maintained that:

Crime is normal because a society without it is utterly impossible. To classify crime amongst the normal phenomena of sociology is not merely to say it is inevitable, though regrettable phenomenon due to the incorrigible weakness of man, it is to affirm that it is a factor in public health, an integral part of all healthy societies.²⁰

The sociological school of criminology further espoused that a crimeless society is not realizable; they associated the evolution of law to the commission of crime. Durkheim specifically stated that the fact that crime occurs in all sections and in all stages of their development must be scientifically regarded as normal. He further stressed that while this may not mean crime should be condoned, it does indicate that if people are to be controlled to the point where no crime exists, serious consequences may result

¹⁶ See Olatunbosun, A. I. “Tough on Crime and Soft on Justice, (Ibadan, Ibadan University Press, 2014), 5.

¹⁷ Ibid. at p. 7.

¹⁸ Olatunbosun, A. I. “The Reprehension of International Crimes and Challenges Ahead” (2001) in *Olabisi Onabanjo University Law Journal*, P. 211-232.

¹⁹ Ibid. n. 17.

²⁰ Becker, H. and Boskoff, A. *Modern Sociological Theory*, (New York: Von Drydge Press, 1957), P. 6.

to the whole society.²¹

The Classical Perspective of Criminal Behaviour:

Classical criminology is one of the “individualistic approaches”²² to the explanation of crime and understanding of criminal behaviour which emerged as a reaction to barbarity and arbitrariness in the criminal law and its process in Europe in the 18th Century.²³ According to Professor Sue, T. R., the classical theorists were rebelling against an arbitrary system of law which judges held an absolute and almost tyrannical power over those who came before them.²⁴ She added that the law was applied unequally and corruption was widespread; confessions were obtained by means of torture,²⁵ and death penalty was used for many offences.²⁶ Classical Criminology was championed by Cesare Bonesena, Marchese de Baccaria (1738-1794) and Jeremy Bentham (1748-1832).

Influenced gravely by the writings of Montesquieu, Hume, Bacon and Rousseau, Baccaria classically sought to humanize the criminal law by insisting on the natural rights of human beings.²⁷ Reacting to the pre-classical system as savage, stupid, infective, Baccaria advocated for equality before the law, control of government institutions and the right of the people to shape their institutions by deliberate, rational choice.²⁸ For Baccaria:

*Punishment [must] not be in every instance, an act of violence of one or many against a private citizen; punishment must necessarily be public, prompt or immediate, the least possible in the given circumstances proportionate to the crime, dictated or determined by laws.*²⁹

Baccaria’s short book, captioned: “On Crimes and Punishment,” according to Stephen S., contains the basis for almost all modern penal reforms but its greatest contribution was the foundation it laid for subsequent changes in criminal legislation.³⁰ His underlying philosophy was the concept of free will. Baccari maintained that behaviour is purposive and is based on HEDONISM- the pleasure pain principle; human beings choose those actions that give pleasure and avoid those that bring pain.

Therefore, punishment should be assigned to each crime in a degree that results in more pain than pleasure for those who commit the forbidden acts.³¹

Another classical philosopher and criminologist, Jeremy Bentham, while supporting the views of Beccaria,

²¹ See generally Dambazau, A. B. at PP. 20-21. The point may nevertheless be stressed that the sociological school of criminology did not specify the consequences society would suffer if a crimeless situation eventually emerged through crime control and administration.

²² This phrase was coined by Professor Quadri, S. M. A. in his book titled “Criminology and Penology at P. 79.

²³ Quadri, S. M. A. Op. Cit., P. 79.

²⁴ Sue, T. R. Op. Cit., P. 61.

²⁵ Up till now, in Nigeria and in most African Countries, prosecutors, especially the police still usually practice the old barbaric way of torturing accused persons in prison custodies to extract confessions despite prohibitions by constitutional provisions. See for instance section 34 (1) of the 1999 Constitution (as amended) which forbids torture, inhuman and degrading treatments of persons.

²⁶ Ibid.

²⁷ Quadri, S. M. A., at P. 79.

²⁸ Dambazua, A. B, at P. 7.

²⁹ Baccaria, C, *On Crimes and Punishment*, (Henry Paolucci Translations: New York, Bobbs-Merrill-----), P. 99. –Quoted in Dambazau, A. B. at P. 7.

³⁰ Stephen S., *Theories in Criminology*, (New York: Random House, 1969), P. 106.

³¹ See Sue, T. R. at P. 61. The hedonist view of conduct implies that laws must be written clearly and not to be open to judicial interpretation. The point may however be added that modern laws are not always written clearly because language itself is a complex phenomena. Thus, judicial interpretation cannot be completely avoided even in the contemporary administration of the criminal justice system. The point of emphasis, it is suggested, should rather be that where laws are couched ambiguously, which would necessitate judicial interpretation, the interpretation should be done fairly and in good conscience by the persons saddled with the responsibility of doing so with the ultimate aim to do justice in any given circumstances.

propounded the utilitarian principle of social control. In Bentham's opinion, the only rational basis of any law could be the greatest happiness of the greatest numbers.³² Utilitarian-hedonism, as a principle requires that punishment, being an evil in itself, should not be more than what is absolutely necessary to produce the desired effect on the criminal and society.³³ That Bentham hinted at the theory of learned behaviour in contrast to a deterministic explanation of criminal behaviour cannot be denied completely, despite his belief in utilitarian-hedonism.³⁴

Neo-Classical Criminology and Criminal Behaviour:

Neo-classical criminology is an offshoot of classical criminology. It consists of those who argue that circumstances which made it impossible to exercise free will are reasons to exempt the accused from conviction.³⁵ Neo-classical criminology became emergent in the middle of the 19th century on account of the laudable contributions of Beccaria in criminological inquiry.³⁶ The major claim of neoclassical criminology was emphasis on the need to consider mental elements in determining the criminal behaviour or criminal guilt of a person.³⁷ It may safely be added that while classical criminology laid down general rules of criminal behaviour, neo-classical criminology introduced exceptions to the criminal justice administration system.³⁸

Neo-classical criminology, like classical criminology, was criticized for not being scientific in its approach but was nonetheless credited for bringing about the idea for an inquiry into the issue of causation of criminal behaviour.³⁹ In the opinion of Dambazau, neo-classical criminology represented a reaction against severity of the classical theories of equal punishment for the same act regardless of the subjective conditions of the criminal.⁴⁰

Criticisms of Classical Criminology:

Despite the contributions of classical and neo-classical criminology to the growth and development of modern criminological inquiries, the duo have been severely criticized as being arm-chair thinking for their lack of empiricism.⁴¹ Some of the criticisms, namely are: that classical criminology gave too much attention to laws and the idea of free will; its idea of rational choice was too simplistic; it was too concerned with injury inflicted by the criminal rather than the state of mind and nature of the criminal; it preceded upon abstract ideas whereas criminal law in practice deal with concrete realities;⁴² its introduction of the concept of will and responsibility has invariably imposed on judges, jurists and other criminal experts an arduous task;⁴³ by its association of culpability with free will, punishment on the degree of offence would be applied unjustly; that

³² Ibid. n. 28.

³³ See Quadric, S. M. A., at P. 80.

³⁴ See Sue, T. R. Op. Cit., P. 62.

³⁵ Ibid. see also sections 28 and 30 of the Criminal Code Act which exempts insane persons and persons under the age of seven from criminal liability and conviction.

³⁶ See Quadri, S. M. A. at P. 80.

³⁷ Ibid. see also sections 82, 83 and 84 of the Indian Penal Code which exempts children and insane persons from criminal liability. Again, in India, grave and sudden provocation which caused criminal behaviour is exonerated from liability as such is considered as lacking premeditation. In Nigeria, self defence under section 32 of the Criminal Code Act that amounts to crime is excused. But criminal behaviour out of negligence or recklessness which though lacks premeditation is punished under the strict liability criminal doctrine. Criminal behavior out of provocation does not exempt liability in Nigeria but may reduce punishment in some special circumstances if properly established.

³⁸ See Sue, T. R. at P. 63.

³⁹ Ibid. It is therefore not surprising that those criminological inquiries that later emerged attempted to look scientifically into the cause of crime in a person rather than crime itself.

⁴⁰ See Dambazau, A. B. at P. 13. Those subjective conditions of the criminal appear to be the major concerns of the other schools that emerged after neo-classical criminology with a view to explaining the criminal in a clearer perspective than did the classical criminology, which laid too much emphasis on laws and the exercise of free will to commit crime by a person.

⁴¹ Ibid. n. 38.

⁴² Items No. a – d are attacks directed at the propositions of classical criminology

⁴³ While items No. e – i are directed the views of neo-classical criminology.

in practical terms criminal guilt is scarcely based on the freedom of the will but on actual menace of crime to the society caused by the criminal; classical conclusions are scientific errors because the concept of responsibility is of social origin rather than an abstract or metaphysical notion bereft of a corresponding reality and that classical criminology has made it impossible to have uniform standards of judgments as to freedom and responsibility.⁴⁴

Notwithstanding the foregoing criticisms, there is no gainsaying the monumental influence classical criminology has had over the thinking and policies of Europe, America as well as other developed and developing legal systems in the area of criminal justice administration.⁴⁵ Putting it rather more appropriately, Andrew commented that:

*There has been [a] growing support for a “neo- classical sentencing rationale that would emphasize penalties proportionate to the gravity to the criminal conduct. This movement has had its great impact in Finland, where “neo-classicism” has come be official policy.*⁴⁶

It may not be out of place to reiterate the fact that the above quote is not only true of Finland but of almost all of the legal systems in the world. It has been entrenched in the ground norms of many sovereign nations and it must be added that the growth is still continuous as societal quest for fairness and justice remains in vacuum.⁴⁷

The Positivist Perspective of Criminal Behaviour:

Positivist criminology is described as the scientific explanation of criminal behaviour. It is a school of criminological inquiry which advocates that the study of crime should emphasize the individual, scientific treatment of the criminal and that punishment should fit the criminal, not the crime.⁴⁸ Lombroso Cesare (1835-1909), regarded as the father of modern criminology,⁴⁹ was the first person to champion the employment of scientific methods in explaining criminal behaviour.⁵⁰ Professor Quadri, while noting that attempts by earlier philosophers to explain criminal behaviour in a scientifically related manner did not start originally with the positivist criminology, stated as follows:

*Even before the positivist [criminology,] there were some efforts to identify special physical traits in criminals in a somewhat unscientific manner. Physiognomy was the art of discovering character by observation and measurement of outward appearance, especially the face. Phrenology, another subject, sought to correlate criminal behaviour with the shape of the skull.*⁵¹

Positivist criminology, in its effort at explaining criminal behaviour, rejected the rather harsh legalism of classical criminology and substituted the doctrine of

⁴⁴ The point needs be stressed, namely that the critics of classical and neo-classical criminology fail to state in clear terms the nature of the herculean task imposed upon judges and jurist and such criminal experts. It is contended that by the concept of free will Beccaria was emphasizing the ability of a person to decide to refrain from violating the law. This is true as it is a fact that those who are not criminals or have not been convicted of crime are bereft of criminal tendencies. It is largely a matter of choice and free will that may have prevented them from breaching the law and not necessarily because they are influenced by any extraneous circumstances. Please note, however, that this is only a rebuttable presumption.

⁴⁵ Sue, T. R. Op. Cit., P. 63.

⁴⁶ See Andrew V. H., “Neoclassicism, Proportionality, and the Rationale for Punishment: Thoughts on the Scandinavia Debate” in *Crime and Delinquency* 29 (January, 1983), 52.

⁴⁷ See, for example, section 36 of the 1999 Constitution of the Federal Republic of Nigeria where neoclassicism is reflected and enforced for criminal justice administration for all Nigerian citizens.

⁴⁸ See Sue, T. R. at P. 63.

⁴⁹ See Quadri, S. M. A. at P. 81.

⁵⁰ Ibid.

⁵¹ Ibid.

determinism⁵² for that of free will.⁵³ They focused on the constitutional approach⁵⁴ to crime, claiming that the structure or physical characteristics of an individual determine a person's behaviour.⁵⁵

Lombroso, a professor of psychiatry and anthropology sought explanations for criminal behaviour through scientific research and experimentation.⁵⁶ In his sheer determination to scientifically prove that criminal behaviour is caused or propelled rather than by choice or free will,⁵⁷ Lombroso, while working both as doctor in the army and in the mental hospital, respectively, noticed a wider and more indecent prevalence of tattoos on the bodies of offensive soldiers compared to the disciplined ones.⁵⁸ He again carried out an experiment on the insane, criminal and normal persons in the hospital and discovered an abnormal feature in the skull which he had noticed also in some other forms of life.⁵⁹

It was Lombroso's conclusion that criminals were different physically from normal persons and had such physical characteristics of savages and inferior animals.⁶⁰ This, according to Lombroso, is an activity of ATAVISM⁶¹ which represented in the criminal the punitive and savage qualities of the remote ancestors of human beings.⁶² By this analysis, it is believed Lombroso meant that criminal behavior is no more than a product of inheritance. This is what ultimately gave birth to the conception that criminals are born. For Lombroso, therefore, possession of characteristics such as eye defects, large jaws, long arms, large ears, and low forehead predisposes one to behave criminally than those who have less of these features.⁶³ Lombroso further maintained that about one-third of criminals belong to or come under the category of atavism.⁶⁴ Putting it rather more succinctly, Wayne Morrison said:

...Lombroso's stigmata included both the argot of criminals and the practice of tattooing, both were said to be evidence of their atavism. Lombroso argued that criminals had a language of their own with high levels of aonomatoeia and similar to the speech of children and savages.... They speak differently because they feel differently; they speak as savages because they are true savages in the midst of our brilliant European civilization.⁶⁵

Lombroso, in an effort to distinguish the born criminal from those who commit crime by virtue of mental disease, discovered vide experiment of what he termed as the "insane criminal." This type of criminal, according to Lombroso, exhibits conditions such as paralysis, dementia, alcoholism, idiocy or hysteria.

⁵² Determinism is the doctrine that one's options, decisions and actions are decided by inherited or environmental factors.

⁵³ Ibid. at note 49 supra.

⁵⁴ This is an approach to explain criminal behaviour which assumes that behaviour is influenced by the structure or physical characteristics of a person's body.

⁵⁵ Ibid. at note 50 supra.

⁵⁶ See Dambazau, A. B. at P. 14.

⁵⁷ Ibid.

⁵⁸ See Quadri, S. M. A. at P. 81. Lombroso's discovery is somewhat true of most criminals, especially most cultists who have different marks or tattoos in their bodies as symbols of the various cult groups to which they probably belong.

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ The Incarta Dictionary, 2009, defines "Atavism" as the reappearance of genetic feature, i.e. the reoccurrence of a genetically controlled feature in an organism after it has been absent for several generations, usually because of an accidental recombination of genes.

⁶² See Quadri, S. M. A., P. 83, Dambazau, A. B., P. 14 and Sue, R. T. PP. 63-64 for detailed analysis of the Positivist explanations of criminal behaviour.

⁶³ While many who commit crime may possess some of those Lombroso's atavistic features, a great number of criminals who commit very dangerous and serious crimes do not possess none or less of such characteristics. All the same many other persons who commit crime may appear somewhat normal in appearance, yet commit very heinous crimes that are quite unprecedented. This reasoning seems to whittle down the efficacy and reliability of the Lombroso's. It must be remembered, however, that Lombroso himself later realized that his conclusions or discoveries on atavism were not absolute or altruistic.

⁶⁴ See Quadri, S. M. A., P. 82.

⁶⁵ Wayne, M. "Lombroso and the Birth of Criminological Positivism: Scientific Mastery or Cultural Artifice?" *Cultural Criminology Unleashed*, (London: Glass House Press, 2004), P. 68.

Again, Lombroso gave account of some persons who are, though normal, commit crime under certain circumstances which he referred to as “criminaloid.”⁶⁶

However, Raffaele Garofolo (1851-1934), a disciple of the Lombrosian Philosophy, introduced the concept of “dangerousness” in his explanation of criminal behaviour. For Garofolo, criminality constitutes or presupposes “social dangerousness” and he thus urged the galvanizing of appropriate and vigorous measures at protecting the society from the “dangerousness” of criminality.⁶⁷

The “dangerousness” concept of criminality has been seriously lampooned for its failure to refer to harmful acts or omissions, but to the perpetrators of such acts or omissions as well as its devotion to perpetrators of selected harms rather than the range of acts which might be considered harmful. The fact that the concept has tended to dwell chiefly on the state of being of the individual dangerous offender and for its futuristic character has also been condemned by critics.⁶⁸

Garofolo again doubted the possibility of reforming the criminal. He therefore recommended death penalty, incarceration and imprisonment as appropriate measures for those he described as lacking moral sense.⁶⁹ In the opinion of Garofolo, the entire gamut of criminal justice is to afford maximum protection of society against the criminal- hence his placement of the defense of society above that of the right of the individual criminal.⁷⁰

Lombroso’s explanations on crime and criminal behaviour by the impressions of positivist criminology prompted a further (positivist) reaction in the person of Enrico Ferri (1856-1929).

Ferri, being a social criminologist, looked at crime and criminal behaviour not only in the scientific confines but also in a much wider scope, encompassing psychological, social, and physical factors such as geography, climate, temperature, economic, politics as well as age, sex, education, religion and so on⁷¹ as variables for criminological inquiries in explaining and understanding criminal behaviour. This rather apparent elaborate employment of multiple variables in attempting to explain criminality in the opinion of professor Quadri is closer to that of the contemporary line of thinking.⁷²

Enrico Ferri classified criminals into five categories, namely, insane criminals, born criminals, habitual criminals, and criminals by passion and occasional criminals. Expanding much further, he said the insane and born criminals commit crime for congenital⁷³ reasons. The habitual criminal is largely influenced to commit crime by a combination of social, physical and environmental forces, even though he shows some atavistic tendencies. As for criminals by passion, he concluded although that they appear normal, but commit crime

⁶⁶ Dambazau, A. B., P. 14.

⁶⁷ Ibid. at P. 15. Dambazau pointed out, however, that the concept of dangerousness has long been incorporated into criminal justice and mental health legislations.

⁶⁸ See Bayer, R. “Crime, Punishment and the Decline of Liberal Optimism”, Vol. 27: (1981), *Crime and Delinquency*, PP. 169-190.

⁶⁹ It is contended that an act which lacks moral sense may not be as dangerous as painted by Garofolo. Moreover, what may lack moral sense may very much depend from society to society and also from the viewer’s stand point at a given point in time. See also Dambazau, A. B., P. 15.

⁷⁰ It is contested that Garofolo’s explanations of criminal behaviour tends more legalistic than scientific. It is a common knowledge that criminal law and legislations are geared towards achieving societal good for all; and this is what classical and neoclassical criminology have through the UTILITARIAN-HEDONISM principle attempted to have advocated. Thus, since positivist criminology tended to explain criminal behaviour away from legalism, one would expect that Garofolo, being a believer of Lombroso, ought to have provided scientific explanations (as did attempt by Lombroso) on the causes as to why the criminal exhibits or poses “dangerousness” to society.

⁷¹ Dambazau, A. B., at P. 16.

⁷² Quadri, S. M. A., Op. Cit. P. 83.

⁷³ Congenital is the state of being born with a condition or disease. In other words, this category of criminals possess what Lombroso would refer to as atavistic tendencies which control their behavioural pattern and ultimately pushes them to commit crime or behave criminally against their will.

due to impulse, anger, jealousy, and usually feel repentant subsequently.⁷⁴

The understanding of criminal behaviour from the positivist criminological perspective somewhat lies in the fact that it devoted attention to motivation and the individual criminal.⁷⁵ Positivist criminology endeavored to explain crime in the criminal rather than the criminal law.⁷⁶ In rejecting the classical idea of choice and legalism, positivist criminology substituted determinism and natural crime⁷⁷ as the basis for criminal behaviour.⁷⁸ The protection of society from the “dangerousness” of criminality was in the positivists’ view the governing factor in punishment.⁷⁹ Punishment was meant to fit the crime⁸⁰ as such the positivists’ tenets of “quantitativism, behaviourism and pragmatism.”⁸¹

Criticisms of Positivist Criminology:

Post-Lombrosian researchers, such as the Modern Crimino-Biological Criminology, Sociological Criminology and various others attacked positivist criminology in many respects. First, it has been pointed out that the principle of atavism which attempted to force a union between physical traits of criminals and social custom is faulty. This nexus between atavism and criminal behaviour championed by Lombroso was ridiculed for its lack of scientific foundations.⁸² Again, Lombroso’s failure to appreciate that criminal and non-criminal forms of behaviour were the results of the same process operating on the basis of various social and physical factors was brought to a lime light by critics of positivism.⁸³

Gabriel Tarde, one of the numerous critics, took Lombroso on his emphasis on crime being of social origin, which according to him is rather of a changing nature. Thus, Tarde maintained that crime must be defined in social context and therefore cannot be explained with reference to atavism.⁸⁴ He further contended that crime could not also be attributed to some kind of insanity, a phenomenon peculiar to civilized societies and could not, therefore, be found in savage societies devoid of any such definitions.⁸⁵

Positivist criminology was again criticized at the level of its research methodological evidence of its biological claims, including its possible contribution to corruption in the criminal justice system.⁸⁶ It was argued that the positivist notion of crime was susceptible to corruption in the hand of public officials, with its apparent lack of safeguards against abuse of state power in the works of Garofolo and Ferri, respectively, as well as the positivists’ rejection of legal categories which made it impossible for them to agree on what crime is.⁸⁷

⁷⁴ See Quadri, S. M. A. at P. 83 and Danbazau A. B. at P. 16, respectively, for a detailed discussion.

⁷⁵ Dambazau, A. B. at P. 17.

⁷⁶ Ibid.

⁷⁷ The positivists’ view of what constitute as natural crime is not very clear. Crime in the natural sense or perspective cannot be properly regarded as crime in a civil society. While it may be conceded that criminal law may have some flavours of “natural crime,” what is regarded as a natural wrong or crime cannot be technically called a crime in the social context. Crime is a phenomenon of law and a byproduct of social interaction. For such so-called “natural crime” to be properly delimited as crime in a proper perspective, it must have been socially condemned by society and legally codified as criminal wrong in the modern context under a criminal justice administration system. Yet, the point needs be stressed that by natural crime, positivist criminology may have intended crimes committed by persons naturally devoid of choice or will or crimes committed helplessly or subjectively by forces beyond the control of the criminal, particularly as may be typical of the insane or born criminal as the case may be.

⁷⁸ Ibid. at P. 16.

⁷⁹ Ibid. at P. 17.

⁸⁰ Sue, T. R. at P. 64.

⁸¹ See Petrunik, M. “The Politics of Dangerousness”, Vol. 5 (1982), in *International Journal of Law and Psychiatry*, PP. 225-253. See also Nangle, O. “Dangerousness, Reasonable Doubt, and Pre-conviction PsychopathLegislation” Vol. 1, (1976), in *Southern Illinois University Law Journal*, PP. 218-236.

⁸² See Quadri, S. M. A. at P. 82.

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ Dambazau, A. B. at P. 19.

⁸⁶ Ibid.

⁸⁷ Ibid.

Classical and Positivist Criminology Compared:

That classical and positivist criminology have had great impact on the emergence and development of modern perspectives in the understanding of crime and criminal behaviour cannot be disputed. Accordingly, classical criminology differed from the positivist criminology in some regards. First, classical criminology defined crime in legal terms while positivist rejected legal definition and preferred a definition in the social context without providing one. Second, classical criminology placed reliance on free will theory while positivists explain crime in terms of biological determinations. Third, classical criminology believed in deterrent and definite punishment for each offence and equal punishment for all criminals committing the same offence while positivists advocated treatment methods for criminals instead of punishment and held that criminals be punished not according to the gravity of their crimes but according to the circumstances associated with commission of the crime. Moreover, classical criminology focused greater attention on crime, namely, the act rather than the criminal while positivist criminology laid greater emphasis on the personality of the offender rather than his criminal act. In addition, classical criminology exhorts men to study justice while positivist criminology exhorts justice to study men. Besides, classical criminology prohibited consideration for whether the criminal threatened future danger while positivist criminology insisted that future “dangerousness” of the criminal should be determinant for detention and protection of society. Finally, classical criminology adopted a non-empirical research methodology in the explanation of crime and criminal behaviour while positivist criminology employed purely scientific approach.⁸⁸

Further Thoughts on Positivist Criminology-The Biological Bases of Criminal Behaviour:

It has been observed that the biological bases of criminal behaviour were developed in the 19th century when the relationship between body types and facial features to crime and criminality was first discovered.⁸⁹ It was also within this time frame that phrenology⁹⁰ emerged as a discipline, a field of study championed by Franz Joseph Gall (1758-1828).⁹¹

Notwithstanding, this was laid down by Lombroso and other positivists of his time as a foundation for further thought in scientific and biological analysis of criminal behaviour. Some of the writers envisaged the need for changing the social structure and environment if crime prevention were to be effective.⁹² This paper shall at once discuss the biological bases of criminal behaviour in the perspectives of Physique and criminal behaviour, genetic factors and criminal behaviour, chromosomal abnormality and criminal behaviour, neurological factors and criminal behaviour and biochemical influences and criminal behaviour.

The Physiological Approach in Understanding Criminal Behaviour:

This is a biological approach which tends to establish that a person’s body type and structure largely determine the behavioural pattern of the person. In this constitutional approach, the assumption rests on the fact that function is determined by structure. However, the belief that criminal behaviour is related to body type can be traced to a book written in 1926.⁹³ Meanwhile, it has been noted that the first real development of this method began in the 1940s with the work of William H. Sheldon.⁹⁴

⁸⁸ See generally Paranjape, N. V., *Criminology, Penology and Victimology*, 15th Ed. (Allahabad: Central Law Publication, 2011), PP. 40-51, Sue, T. R. at P. 64 and Dambazau, A. B., respectively, for detailed discussions on the points as highlighted.

⁸⁹ Sue, T. R., Op. Cit., P. 86.

⁹⁰ Phrenology is the theory of behaviour based on the belief that the exterior of the skull corresponds to the interior and to the brain’s conformation; thus, a propensity toward certain types of behaviour may be discovered by examining the bumps on the head- (see Quoted in Sue, T. R. at P. 86).

⁹¹ Ibid.

⁹² Sue, T. R., Op. Cit., P. 88.

⁹³ Ernst, K. *Physique and Character*, trans., W.J.H., Sprott (New York: Harcourt, Brace, 1926), cited in Sue, T. R. at P. 88,

⁹⁴ Ibid.

Sheldon, in measuring physique and comparing body type with temperament, defined three body types, namely, the ECTOMOPH-the tall, skinny body type, the ENDOMORPH-the short, fat body type and the MESOMORPH-the athletic body type.⁹⁵ He claimed that his research showed higher delinquency rate among MESOMORPHS-a claim later supported by Glueck and Glueck.⁹⁶

Sheldon's Constitutional theory has nonetheless been criticized, namely, that he selected samples from persons who would support his theory,⁹⁷ including his failure to precisely define the three body types so that they could be distinguished.⁹⁸ Sheldon constitutional approach was also criticized for the non-inclusion of environmental factors.⁹⁹

Genetics and Criminal Behaviour:

Genetic criminological study is the finding that a person is predisposed or predetermined by biological factors to commit crime.¹⁰⁰ It is the belief that criminality is a product of inheritance. Under this approach, studies were focused on family histories and twins to show the relationship between heredity and crime as well as other forms of deviant behavioural patterns.¹⁰¹

Genetic criminological inquiry had proved largely that criminal and other deviant traits could pass from father to son and could be shared in varying degrees by siblings and by both identical and non-identical twins. Reliance on genetic studies has immensely influenced policy decisions and legislations on compulsory sterilization of persons thought to be capable of passing onto other children genes that would result to criminal behaviour. Genetic criminology has however been criticized for lack of environmental considerations as well as their small scale sample experiments.¹⁰²

In a swift reaction to the above criticisms, a Danish Adoption Study, championed by Mednick, took samples of 3,691 adopted boys and those whose biological parents had been convicted of crimes. The study suggested that genetic factor may contribute to criminal behaviour, but that environmental factors tend to play a rather more convincing role than genetics.¹⁰³

Chromosomal¹⁰⁴ Abnormality and Criminal Behaviour:

Biologically, the structure of chromosomes present in the nucleus of an organism determines the features of that organism.¹⁰⁵ Every normal human being has 23 pairs of chromosomes. Usually, it is one of these pairs which is responsible for the primary and secondary sexual characteristics.¹⁰⁶ The normal male and female chromosomes are denoted as XY and XX.¹⁰⁷

However, chromosomal abnormality occurs when an extra Y chromosome is found in the chromosomal

⁹⁵ See Dambazau, A. B. at P. 59

⁹⁶ Glueck, S. and Glueck, E., *Of Delinquency and Crime*, (Springfield, Ill.; Thomas, 1974), cited in Dambazau, A. B., P. 60.

⁹⁷ Juan, B. C. and Gatti, F. M., *Delinquency and Crime: A Biopsychosocial Approach*, (New York, Seminar Press, 1972), P. 8, cited in Sue, T. R. P. 88.

⁹⁸ Albert, K., Alfred, L. and Karl S., *The Sutherland Papers*, (Bloomington, Indiana University Press, 1956), P. 289.

⁹⁹ Ibid. at note 96 supra.

¹⁰⁰ This finding or conclusion is apparently a close follow-up of the Lombrosian theory of the born criminal.

¹⁰¹ See, Sue, T. R., at P. 89.

¹⁰² See generally Sue, T. R. at PP. 90, 91 and 92 for detailed explanations.

¹⁰³ See Hippochen, L., *Ecologic-Biochemical Approaches to Treatment of Delinquents and Criminals*, (New York: Van Nostrand Reinhold, 1978) cited in Dambazau, A. B., at P. 69.

¹⁰⁴ Chromosome is a rod-shaped structures that contain basic hereditary information-culled from the Glossary of Robert, T. F., *Understanding Psychology*, 3rd Ed., (New York: McGraw-Hill, Inc, 1993).

¹⁰⁵ See Quadri, S. M. A., at P. 100.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

constituent of the male organism.¹⁰⁸ This abnormality has been argued to have related criminal behaviour.¹⁰⁹ Studies have been made of the XYY Model on the hypothesis that a person with an extra Y chromosome might be a “super-male” with aggressive tendencies resulting in a possible criminal behaviour.¹¹⁰ It has been curiously pointed out that several of the studies conducted did not support the hypothesis. According to Sarbin and Miller:

*Contrary to the expectations generated by popular reports and mass media, the studies done thus far are largely in agreement and demonstrate rather conclusively that males of XYY type are not predictably aggressive. If anything as a group, they are somewhat less aggressive than comparable XY's.*¹¹¹

The use of large control group, nonetheless, led investigators to discover in Denmark in 1977 that the XYY men had engaged in more significant criminal behaviour than did the XY men of their age, height, intelligence and social class, but that they had not engaged in any violent behaviour.¹¹² The point must be stressed, however, that the small number of XYY men in the samples somewhat limits the conclusion that can be drawn.¹¹³ Thus, the XYY theory was dismissed as significantly invalid by majority of contemporary proponents of scientific explanations.¹¹⁴

Neurological Factors and Criminal Behaviour:

Neurological biology is the study of the brain in relation to criminal behaviour. Through the assistance of Positron Emission Tomography (PET) Technique, it is possible to scan the actual activity within the brain at a given moment in time.¹¹⁵

The brain is one of the constituents of the Central Nervous System. Studies have revealed that a portion of the human brain known as the central core¹¹⁶ is quite similar to that found in all vertebrates.¹¹⁷ Another part of the human brain known as the hypothalamus has been described as responsible not only for the balancing of body temperature, but also for the regulation of behaviour critical to the basic survival of the species, such as eating, drinking, sexual behaviour, aggression and nurturing of offspring.¹¹⁸

Therefore, damage to the part of the brain that controls social and personal decisions can leave on with an inability to make those decisions which can lead to anti-social behaviour that may culminate into criminality.¹¹⁹ The point must be stressed of studies in this area which have yielded conclusive answers as relating particularly to certain aspects of the human brain that, when faulty or damaged, could influence criminal behaviour. Again, it appears that all of the neurological studies point to one obvious conclusion, namely, the efficacy of the Positron Emission Tomography Technique to provide the needed information about

¹⁰⁸ See Sue, T. R., P. 93. See also Quadri, S. M. A., at PP. 100-101.

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

¹¹¹ See Vold, G. B., and Thomas, J. B., “Working Mothers and Delinquency” 41 Mental Hygiene, (July, 1957), *Theoretical Criminology*, 329-333-Quoted in Quadri, S. M. A., at P. 101.

¹¹² See Clerk, G. R. “Sex Chromosomes, Crime and Psychosis”, 126, (1970) in *American journal of Psychiatry*, PP. 674-682- Sited in Dambazau, S. M. A., P. 62.

¹¹³ See Mednick and Volavka, “Biology and Crime”-cited in Sue, T. R., at P. 93.

¹¹⁴ See Sue, T. R., at P. 93.

¹¹⁵ See Rober, S. F. at PP. 68-77 for detail explanations on the workings of the human brain. See also Jeffrey, S. N., *Psychology Concepts and Applications*, (New York: Houghton Mifflin, 2007), PP 44-92 for detailed discussions on biological influences on human behaviour, especially the human brain.

¹¹⁶ The central core which is also referred to as old brain and which controls such basic functions as eating and sleeping is so referred because it is thought to have evolved relatively early in the development of the human species. See Robert, S. F., at P. 75 for further elaborate discussions on the operations of the human brain and its relation to behaviour.

¹¹⁷ Robert, S. F., P.75.

¹¹⁸ Ibid.

¹¹⁹ See Sue, T. R., P. 94.

how the brain develops in association with behavioural development. The ability of the instrument to assist in ascertaining how the brain establishes connections, how experience alters development and how tremendous changes occur in the brain during the first year or the first two years of a child's life were further reiterated under neurological criminological investigations.¹²⁰

Bio-chemical Influences and Criminal Behaviour:

Studies have again shown that there exists a possible relationship between biochemical substances present in diets and criminal behaviour. It has been discovered that deficiency of vitamin B3 is a major cause of hyperactivity in both children and adolescents.¹²¹ Schoenthaler and Doraz further revealed through their research that dietary factors involving the consumption of protein, carbohydrate and sugar are greatly related to criminal behaviour.¹²² In another study conducted in Philadelphia, Denno concluded that juvenile delinquency and aggressive behaviour in school, as well as adult criminality, are caused by the degree of "lead poisoning."¹²³

In 1990, a study carried out by Dabbs et al. to find out why men are more aggressive than women revealed that inmates who committed crimes of sex and violence had high level of testosterone than inmates who were incarcerated for property-related crimes or drug abuse, was substance abuse and a tendency towards excess.¹²⁴ Bernhardt, in a correlated improvement, recommended that testosterone may not act alone in promoting aggression. Accordingly, he hinted that high level of testosterone combined with low level of the brain chemical serotonin¹²⁵ can lead to aggressive behaviour in men.

It was reported in New York Times in 1996 by the Chinese Public Health Ministry that approximately 10 million Chinese children were mentally retarded as a result of serious lack of iodine in their diets. Reacting to this ugly trend, the chair of the Department of International Health at Emory University in Atlanta, Georgia, concluded that "the whole intellectual fabric of a large portion of the population is being dulled...with the lack of iodine, the brain just does not wire correctly in early development."¹²⁶

It may not be out of place to add that the above development could not have been only peculiar to the Chinese children population. Similar situation can also be said of the Nigerian society of the 21st century where there is considerable number of brain drains amongst children and teenagers. Against this backdrop, brain boosting or enhancing diets and food supplements may be very helpful.¹²⁷ It would also be advisable to cultivate proper dieting habits to reduce the ingestion of toxic food chemicals into the body system, as improper dieting has been discovered to have caused many criminal tendencies.

Conclusion:

A classical and positivist perspective of understanding criminal behaviour has revealed the obvious that criminal behaviour, though a creation of social interaction (as posited by classical criminology), is also a child

¹²⁰ Ibid.

¹²¹ See Schoenthaler, S. and Doraz, W., "Types of Offences which can be reduced in an Institutional Setting Using Nutritional Intervention", Vol. 4, (1988), in *International Journal of Biosocial Research*, PP. 74-84.

¹²² Ibid.

¹²³ Crime Times, Vol. 1, No. 3, (1995), P. 2.

¹²⁴ Dabbs, J. M., et al, "Testosterone, Crime, and Misbehaviour Among 692 Male Prison Inmates," Vol. 18, (1995), *person. Individ. Diff.* cited in Dambazau, A. B. at P.105.

¹²⁵ Serotonin is a neurotransmitter chemical derived from amino acid tryptophan and widely distributed in tissues. It acts as a neurotransmitter, constricts blood vessels at injury sites, and may affect emotional states.-cullled from Microsoft Encarta, 2009.

¹²⁶ "Lacking Iodine in their Diets, Millions in China are Retarded", *New York Times*, (4 June 1996), P. 1. - quoted in Sue, T. R., at P. 96.

¹²⁷ For research on brain-boosting food, see Kpolovie, P. J., *Cognitive Enhancement: Effects of Lumosity Training and Brain-Boosting Food on Learning*, (New Owerri, Nigeiria: Springfiels Publishers Limited, 2011), PP. 26-38.

of many biological variables cum a whole lot of diverse interplays of conceivable nuances. The attack on legalism, notwithstanding a behavioural pattern outside the confines of a given legal frame work, cannot be properly put in the standpoint of it being a criminal wrong.

Conceding that biological, psychological, sociological and a host of other variables may compel an anti-social behaviour, such behaviour, in our estimation, cannot be a criminal behaviour so described if the act has not been socially agreed in a civilized society as criminal. Devoid of social values and norms as social parameters for behaviour in a given society, behavioural tendencies, no matter the degree of savagery, caused or propelled by the composite effects of biological, sociological, psychological or environmental tendencies, cannot be a criminal behaviour in the context of such a society.

It must be understood that beyond the legalistic and scientific approaches, there exist several other factors which may contribute to the explanation and understanding of a criminal behaviour. A combination of these approaches in seeking to understand a criminal behaviour may assist in yielding the desired efficient remedy aimed at curbing the current geometrical crime rate or growth across the globe. Indeed, it would be helpful to reconstruct our criminal laws, penal institutions as well as attempting a fair societal re-definition of criminal laws to allow or reflect any possible criminal tendencies with a view to affording a more concerted attention to all of the conceivable bits and pieces capable of influencing an individual to behave in an anti-social manner.

Our current criminal justice systems are too concentrated on crime preventive measures rather than giving the fight a more holistic dimensional character. The legal-scientific-psychological-sociological-environmental methodology may be a veritable tool in the criminal justice administrative system in understanding criminal behaviour.

Be that as it may, it would be imperative to explore training and re-training of crime agents to inculcate in them the biases associated with criminal breach. It is also time to attempt a re-modeling exercise on our conservative penal institutions as well as the employment of such efficient modes of fighting crime and control so as to bring such institutions and modalities to be in conformity with contemporary realities in the fight against crime and criminality.

Of course, it is not enough to fight to control and prevent crime. This has rather become too artistic over the years. A scientific approach geared towards understanding the concept of crime and all of the circumstances surrounding criminality, including a deliberate diagnosis of the criminal as well as re-definition of crime cum a committed practice of democracy aimed at bridging the gap between the haves and the have-nots in society will be a most appropriate measure in understanding crime, crime control and criminal justice administration across the globe.

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