

Comparative Criminology of Modern View

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ABSTRACT

An overview of the recently revived discipline of comparative criminology is the aim of this chapter. It starts by going over the background and context of comparative criminology then moves on to describe the modern comparative viewpoint. The chapter outlines the typical methods for doing comparative criminological research after outlining several frequently advanced goals for the field, such as theory development and testing and policy review and critique. The primary theoretical traditions of comparative criminology are first reviewed, with a focus on structural theories rooted in culture, social bonds, and the distribution of economic resources, as well as metanarratives like modernization, civilization, opportunity, and world system theories. Next, the chapter addresses methodological issues by summarizing some of the more popular dependent variables that comparative criminologists have studied and noting how these variables have been operationalized in the literature. It then examines the three methodological approaches metalevel, parallel, and case studies that are most frequently used in the field.

Data regarding crime and justice worldwide are now more available than ever because of the expansion of international "transparency" and the World Wide Web's information-dissemination capabilities. The three most prevalent forms of data on international crime and justice officials, victimization, and self-report data are covered in this chapter along with the risks to each type's validity and dependability. Interested readers are directed to current sources of information pertinent to commonly used explanatory concepts.

The chapter concludes by noting that although globalization and worries about transnational crime have contributed to the growth of comparative criminology as a field of study, the discipline is still in its infancy because systematic comparative work in criminology was largely neglected during the 20th century. Renaissance, in theory, is needed to support growth in this promising field of study so that theory drives research rather than just additional data.

INTRODUCTION

Considering the notion of criminology, which is a body of knowledge that views crime as a phenomenon of society and the study of the causes of crime, is crucial to address the aspect of the schools in criminology. The 18th and 19th centuries saw a rise in the popularity of criminology schools. The pre-classical school, the classical school, the neo-classical school, and the positivist school are the four main schools of criminology. Every one of the aforementioned criminology schools defined a particular facet of criminology based on their knowledge, views, and historical context.

The history of criminology begins with the Greek philosophers, including Socrates, Aristotle, Hippocrates, and Plato. These philosophers equated the criminal's wrongdoing to a corrupted soul that resulted from physical body defects. The history of prehistoric and early medieval societies shows that human cognition was controlled by superstition and religion in those times. As a result, these beliefs shaped law, and using the legal system was seen as a last resort. This suggests that the circumstances and mental components

that led to the commission of this crime were disregarded. Therefore, the criminal administration assigned penalties that were frequently arbitrary and unreasonable in the absence of a fair and just judiciary. Subsequently, as human thought evolved and modern civilization advanced, social reformers redirected their efforts to create a strong criminal justice system. The emergency of criminology as a distinct field of study was developed by the various schools to accomplish this aim. However, throughout time, the emphasis shifted primarily to the mental component of crime and its cause, which is still taken into account by courts when determining sentences.

THE CONTEXT AND HISTORY OF COMPARATIVE CRIMINOLOGY

As old as criminology itself is comparative criminology. Several 18th-century Enlightenment figures, including Beccaria, Bentham, Voltaire, Helvetius, Quetelet, and others, compared and contrasted their respective legal systems with those of different countries. Their conclusions and suggestions frequently had an impact on the development of neighboring nations. These intellectuals' publications indeed influenced some of the language and concepts included in the United States Constitution (see Granucci 1969; Schwartz 1971). However, as countries turned inward for answers to their unique criminal problems, comparative criminology was disregarded for the majority of the 19th and 20th centuries. Comparing and contrasting the issues surrounding crime in different countries did not pique interest again until the middle and late 20th century. This resurgence of interest has numerous causes. The most evident is that thanks to advancements in information technology, communication, and transportation, the world grew smaller in the second half of the 20th century. As the 20th century comes to an end, countries are under more and more pressure to answer for their deeds, and their operations are more public than ever.

DIFFERENT TYPES OF SCHOOL

1. Pre-Classical School
2. Classical School
3. Neo-Classical School
4. Positivist School

DIFFERENT TYPES OF SCHOOL

Pre-classical School

The primary reason that the demonological hypothesis developed in Europe throughout the 17th century was due to the influence of the church and religion, the pre-classical school is also known as the demonological school. Since at this time, the idea of crime was nebulous and founded on superstitions and myths, science did not take precedence.

The pre-classical, or demonological, conception of criminality was predicated on the omnipotence of spirit, which they considered to be a higher, divine force. The culprit was subjected to worship, sacrifices, and trials by fire and water, which were typically used to ascertain the perpetrator's guilt. But as time went on, people began to analyze and challenge the demonological hypothesis, which sparked scientific advancement and, ultimately, the establishment of the classical school of criminology.

Classical School

The three founders and academics of the classical school of criminology are Romilly, Jeremy Bentham, and Cesare Beccaria. This school's central thesis is that all people are self-serving, and as such, people attempt to commit crimes out of their own free will rather than because they are under the influence of a

malevolent spirit. This school's doctrine holds that since men are endowed with free will, they act hedonistically, doing so to inflict suffering on their victims.

The pre-classical school's theory was disregarded. Renowned criminologist Beccaria suggested that the penalty for a crime ought to be appropriate and commensurate with its severity. This idea was founded on the straightforward argument that torture was wrong, allowing the weak to implicate themselves and the powerful to be declared innocent before the decision due to their social standing.

DIFFERENT TYPES OF SCHOOL

Neo-classical School

The classical school's "free will theory" did not last for very long since it treated first-time offenders and repeat offenders equally, regardless of the crime they had done, and ignored the individual variations under specific circumstances. The neo-classicists contended that, regardless of how similar the criminal act was, some groups of offenders—such as children, idiots, insane, or incompetent people—could not be punished equally to a prudent man because they were unable to comprehend the nature or conduct of the crime they committed. The Neo-classical school was highly valued since it advanced the principle of separating the previously specified groups of criminals from other criminals based on the severity of their mental depravity.

Positivist School

This school marked the start of a new age when the focus was on the criminal and the numerous factors contributing to the causation of crime, as opposed to the prior schools' emphasis on the crime itself. The true source of crime was found in the anthropological traits of the offender, which aid in illustrating how the brain functions and establishing a connection between criminality and brain structure. It is called the Italian School of Criminology because three distinguished Italian criminologists, Cesare Lombroso, Raffaele Garofalo, and Enrico Terri, were the principal proponents of this school.

COMPARATIVE ANALYSIS OF THE SCHOOLS OF CRIMINOLOGY

As mentioned above, every criminology school focuses on a distinct theory; for this reason, boundaries between the schools must be established.

Pre-classical and Classical school

The Pre-classical school was founded on the demonological theory, which holds that a person cannot commit a crime and that if they do, it is assumed that they did so because they were possessed by an evil spirit or demon, compelling them to do so. In contrast, the Classical school rejected the demonological or Pre-classical school theory and was founded on the "free will" theory, which holds that an offender commits a crime of his own free will to cause pain and receive pleasure from the victim. Pre-classical schools held that the only way to prove an offender's guilt was to subject them to extreme and severe torture through ordeals. In contrast, classical schools held that an offender could be tortured through harsh punishments, which suggested a significant criminal policy that could be easily implemented without resorting to the imposition of arbitrary punishment. The classical school thus opposed the imposition of arbitrary punishment by the judiciary and kept it contained within its four walls. Another distinction between the classical and pre-classical schools is that the latter were founded on reason and scientific explanation, whereas the former relied entirely on the omnipotence of the devil and lacked both.

One connection between the two schools stated above is that they both focused more on the crime than the criminal, neglecting the psychological component and the real cause of crime.

COMPARATIVE ANALYSIS OF THE SCHOOLS OF CRIMINOLOGY

Classical and Positive School

While the Positive Law School accepted the sociological definition of law instead of the legal one, the classical school defined law in terms of the law. The Positive school relied on the criminal's anthropological traits, whereas the classical school relied on the idea that a person's ability to commit a crime is only determined by their own free choice. The positive school focuses on the criminal rather than the crime, which helps in understanding the nature and mental element of the criminal and, consequently, helps in deciding on the offender's liability and the appropriate course of action for reformation and rehabilitation. In contrast, the classical school focused on the crime rather than the criminal, which limited the scope for reformation. Key proponents of the positive school were Lombroso, Ferri, and Garofalo; key proponents of the classical school were Beccaria and Bentham. In the 18th century, attempts were made to enhance and reform the criminal justice system so that criminals would not be subjected to the arbitrary decisions of judges who sentenced them without applying their legal judgment. However, this 19th-century idea offered criminals greater attention, shifted the focus from retribution to corrective treatment, and strongly emphasized the scientific technique of investigation. As a result, it may be claimed that the philosophies, thinkers, and historical eras of the Positive School and the Classical School were completely dissimilar.

COMPARATIVE ANALYSIS OF THE SCHOOLS OF CRIMINOLOGY

Pre-classical and Positive school

The aforementioned schools varied from one another in several ways. The pre-classical school was founded on the demonological theory, which holds that a man is incapable of committing a crime and that, if he does, it is assumed that the crime was committed because the offender was driven to commit the crime by an evil spirit or demon. In contrast, the Positive school relied on the anthropological characteristics of a criminal. In contrast, the Positive school placed more emphasis on the criminal's personality, mental health, and the true reason for the crime's causation, placing more trust in the criminal than the crime. The Pre-classical school ignored these factors as well as the mental aspect of the criminal. As a result, the reliance was placed on the crime rather than the criminal. The Ordeal test, which involved subjecting an offender to extreme torture to determine whether or not they were guilty of the crime they were accused of, was one of the ways that the pre-classical and Positive schools determined whether or not to punish an offender. The Positive school, on the other hand, completely rejected and opposed the Ordeal test and placed more emphasis on the Reformation Theory, which promoted rehabilitation and reformation of the offender back into society as opposed to punishment for the sake of punishment.

Neo-classical and Positive school

The only area of theory divergence between the Neo-classical and Positive schools was that the former took into account the offender's physical and social surroundings, while the latter focused on the offender's anthropological characteristics, personality, and mental state in determining their criminal liability.

COMPARATIVE ANALYSIS OF THE SCHOOLS OF CRIMINOLOGY

Pre-classical and Neo-classical school

The primary area of disagreement between the aforementioned schools is the determinism (Neo-classical) and demonology (pre-classical) theories that were accepted. The Neo-classical school opposed such torture and saw it as unjust and unfair, and it was believed that mitigating factors such as the individual's

physical and social environment must be taken into account when determining criminal liability. As previously mentioned, the Pre-classical school determined the offender's guilt based on the Ordeals, which involved severe torture.

Classical and Neo-classical school

The Neo-classical school distinguished between total free will and determinism and contends that no one has total free will. In contrast, the classical school grounded its theory in the idea of free will and held that every criminal acts solely to satisfy his desires and inflict suffering on the victim. The neoclassical school permits the evaluation of mitigating circumstances in assessing an offender's guilt. The neo-classical school considered this as unfair and unjust and permitted change to occur. The classical school imposed equal sanctions on all people, regardless of the crime committed. theory permits the examination of mitigating circumstances, such as the individual's physical and social surroundings and the circumstances preceding the commission of the crime.

REACHER PROBLEM

This research paper examines and conceptualizes the several schools of criminology that were prominent in the 17th, 18th, and 19th centuries. These schools were founded on the values, customs, and common sense of the people living in that particular civilization. The four schools of criminology and the ideas that aid in the development of a knowledge of the causes of crime are also covered in length in this article. This study report additionally delineates the boundaries among the four schools of criminology. The four schools of criminology are incompatible with one another because they have developed distinct theories and methods for identifying the characteristics of criminals, the causes of crimes, and the relationships between criminal activity and society. Famous criminologists like Hippocrates, Socrates, Plato, Cesare Beccaria, Jeremy Bentham, Cesare Lombroso, Raffaele Garofalo, and Enrico Terri are linked to the many schools of criminology. Regarding criminology and its components, each criminologist has developed a unique theory that is backed up by data and an explanation from science.

This open education resource (OER) is flexible even though it was created with first-year undergraduate criminology students' requirements and skills in mind. Though each chapter is deep enough to be helpful as a supplement for subject-area courses, the OER as a whole is sufficiently broad to serve as the primary textbook for an introductory course. The authors strive to use simple, approachable language, but when necessary, they introduce more complex, technical concepts. The text pays due attention to the mainstream criminological thought's historical "canon," but it also challenges many of these ideas by examining alternative, critical, and marginalized perspectives. After all, criminology is an investigation into how human societies create, challenge, and uphold conceptions of justice, morality, the function and authority of laws, and workable strategies for dealing with rule violations and mending relationships. It is not merely the study of crime and criminal law.

CONCLUSION

An overview of the recently revived discipline of comparative criminology is the aim of this chapter. It starts by going over the background and context of comparative criminology then moves on to describe the modern comparative viewpoint. The chapter outlines the typical methods for doing comparative criminological research after outlining several frequently advanced goals for the field, such as theory development and testing and policy review and critique. The primary theoretical traditions of comparative criminology are first reviewed, with a focus on structural theories rooted in culture, social bonds, and the

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