

## Theoretical Aspects Regarding the Etiological Criminology. Comparative Study

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**Abstract:** The object of this scientific study is represented by the scientific identification and demarcation of the causes and conditions favourable to the occurrence of criminality, materialized in the exposition of the analyses and forms of criminological qualification of the way of transforming the criminal impulse into a criminal act, from the perspective of the teachers Jean Pinatel, G. Houchon and Olaf Kinberg. The result of the study is materialized in making available to the students, and even the judicial practitioners, some practical solutions for crime prevention. The conclusions are given by highlighting the factors of endogenous and exogenous nature that generate criminality or potentially criminogenic.

**Keywords:** personality of the offender; crime; cause; the phenomenon of crime; endogenous causes; exogenous causes; criminological theories

Our criminological study aims at identified and scientifically delimit the causes and conditions that are favourable to the occurrence of criminality, as well as to offer practical solutions to prevent it. The scientific approach aims at criminological analysis and qualification of the transformation of the criminal impulse into a criminal act, from the perspective of the theories of Professors Jean Pinatel, G. Houchon and Olaf Kinberg.

The majority of criminological doctrines focused on the causality of the criminal phenomenon and appreciated that, in its essence, criminology is a science directly related to the practical needs, to the quickest application of the research results in the activity of preventing and combating the criminal phenomenon. Regarding the science of criminology from this point of view, some authors have tried to minimize the role of fundamental research in the pursuit of forensic scientific research. In this

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respect, that the science of criminology could not be defined by its own object of research, but by the direct, objective results, so that criminology would exist only in the perspective of a particular therapeutics, its objective framework consequently limiting itself only to the applied research. (Dagognet, 1965, p. 525).

In reply, Professor Jean Pinatel (Pinatel, 1967), emphasized that the reductionist view of the above theory is totally wrong. Thus, the distinguished professor emphasized that, in criminology, as in any other field of forensic-scientific research, the research on fundamentals represents the compulsory and indispensable condition of the scientific progress. In criminology, the study of the object and the basic theories derive from two sides of the approach method, namely the investigation of the purpose of the criminal activities/acts on the one hand, in which the study of the criminal phenomenon must be pursued and analysed, and on the other hand, the concepts and the methods that can be the basis of practical solutions must be identified, such as establishing/elaborating appropriate programs of treatment and resocialization for the offenders (the component of the applied research).

In the research of the applicative side of criminology, an important role is played by the *aetiological research*, which aims to discover the causes that determine and the conditions that favour the commission of criminal acts.

Following the differences of opinion of the two French researchers, in the specialized literature a series of controversies have arisen regarding the object and the purpose of the aetiological research, respectively if this is a research of fundamentals or a purely applicative one (speculative). These controversies start from false assumptions, because, regarding the information above, etiological research can fit into each of the two types, borrowing elements from them. Thus, in the space of the European Union, due to the existing traditions and the formation of the specialists, given mainly by the Italian positivist school, but also by the German critical spirit, *the aetiological research* continues to represent an area of research on fundamentals (*objective-fundamental* research).

The mixed/eclectic method does not aim to verify a specific criminological hypothesis, but it rather surprises the aetiology of the phenomenon through a global/general approach.

In the United States, etiological research is more of an applicative type, borrowing heavily from the pragmatic British spirit, the specialists analysing the aetiology of crime in a more limited area of investigation (Houchon, 1967, p. 7).

Thus, Professor G. Hauchon, stresses that the minimization of the importance and role of fundamental research in criminology has been felt especially in aetiological research. Many authors, starting from a wrong, mechanistic understanding of the categories of cause and effect, have concluded that these would not fit into the criminological science, but would be reduced only to certain factors that influence the commission of crimes.

From my point of view, the latter theory must be rejected, because it is not based on the objective reality that the scientific research must consider, masking and minimizing the true causes of the criminal phenomenon. The elaboration of an effective criminal policy, as well as of programs for the prevention and resocialization of the offenders, cannot be achieved without a complete and efficient knowledge of the causes that have generated this phenomenon.

This criterion has been used by many criminology historians by including criminological theories in various orientations that have emerged over time (Ciobanu, 2004, p. 109).

Crime, like any human act, is not an impersonal act, but it is the act of a man, who is subject to the influence of his organic conditions, his family, social, physical environment. Thus, the crime cannot be considered and treated as an abstract, legal entity, as an act of free will, but as the result, the product of a contest of causes (Ciobanu, 2007, p. 15).

The issue of the object of criminology has been discussed for a long time and is still being discussed today. From the history of criminology, we see that for a long time the object of research was the offender (the theories of evolutionary atavism launched by Lombroso and improved by E. Ferri or Garoffalo, etc.), formulating the theses regarding the types of criminals, the role of heredity, diseases etc.

With the development of criminal psychology, the analysis and investigations of the offender have multiplied, highlighting the role of the psychological factors in the causality of crimes. Later, research with respect to the social factors started, obtaining obvious scientific results on the line of criminal sociology (Ferri, Sutherland) (Butoi, 2004, p. 386).

In the opinion of Professor Tudorel Butoi (Butoi, 2002, p. 47), the behaviour of the offender is influenced by a number of factors, as follows:

- Endogenous (internal) factors;
- Exogenous (external) factors.

**The endogenous (internal) factors are:**

Neuropsychological factors: brain dysfunction;

- Intellectual deficiencies: low intellectual capacity that prevents the offender from anticipating the consequences of the actions taken (for example, he lives more in the present moment);
- Affective disorders: this creates serious problems on the adaptive line, namely:
  - frustration;
  - desire of living an easier life.
- Character disorders: immaturity of the character which consists of:
  - affective instability;
  - insufficient self-control;
  - impulsivity, aggressiveness;
  - underestimation of mistakes;
  - rejection of norms.

**The exogenous (external) factors are:**

- the group and its harmful influence;
- family climate:
- disorganized families;
- conflictual families. (Buciuşcan, 2011, p. 213).

Cesare Lombroso, the creator of anthropological criminology, and Enrico Ferri, the founder of positivist criminology, carried out practical studies of great complexity, based on concrete examples in order to explain the crime phenomenon. The origin of Cesare Lombroso's theory, starting from the causes of evolutionary atavism, was described by Professors Jean Pinatel (Pinatel & Bouzat, 1963, pp. 173-179) and H. Mannheim (Mannheim, pp. 212-225) as having originated in the evolutionary theories of Charles Darwin, theories widely debated in the second half of the 19th century.

In the opinion of some authors, who analyse the psychological valences of the criminal resolutions, the complex character of the personality structure is intended to be expressed in definition, with emphasis falling on the character/temperamental features and the rationalized rules analysed from the point of view of distinct qualitative elements: biological, physiological, psychological and sociocultural.

Thus, Sheldon defines personality as a set of bio-psycho-physiological characteristics that allows an adaptation of the person to the environment in which

he is at a given moment. This vision was the basis of the objectification of the theory of resistance to frustration, a decisive aspect that can prevent or accelerate the transition to the criminal act.

The concept of the theory was also analysed by the Swedish criminologist Olaf Kimberg (Kimberg, 1935, p. 74), who underlined that in order to discover the causes of the criminal phenomenon (social phenomenon) it is necessary to study and know in detail the personality of the offender. To this end, he developed the concept of analysing the *biopsychological constitution*, through which he compares **the normal hereditary predispositions** and **the pathogenic (criminogenic) hereditary predispositions** by analysing the behavioural phenotypic differences resulted/observed after comparing the two types of predispositions.<sup>1</sup>

In order to designate the human personality from the perspective of this analysis, Professor O. Kinberg proposed the notion of **current biological structure**, comprising *a constitutive side*, which imprints the essence of the character of positive social behaviour, and *a pathological side*, given by certain diseases, disorders or psychic anomalies, which imprints an anti-social behaviour.

In contrast to Professor O. Kimberg, Professor R. B. Cattell considers personality a *dynamic factorial* construction, adaptable and in a constant process of evolution, expressed in the manner of responses to concrete situations. This vision was the basis of the theory of criminality in response to certain predetermined social situations.

Starting from these studies, Professor Benigno di Tullio, a main exponent of the Italian positivist criminological school, synthesized the *biological constitution*, establishing that the hereditary and congenital elements are part of its composition, and on the other hand, the elements acquired during life time are added thereto, mainly in its first period, through education, the power of example etc. (moral education). All these components/sides of the *biological constitution* are capable of forming that **psychological threshold**, by this being understood the level from which the external arousal determines the criminal resolution to the agent. In the professor's view, this threshold differentiates the intensive mode and moment of the antisocial reaction's triggering depending on the degree and level of the triggering stimulus.

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<sup>1</sup>The *phenotypic differences* represent in the vision of Professor Olaf Kimberg, the visible results, generated / caused by the genotype of the DNA chain in relation to the environmental incentives/challenges and tensions in which the person is at a given moment.

Despite the difference between the starting points and the analysis procedures, most contemporary authors emphasize, as a common root of the personality's definition, the attribute of unity, completeness, structuralism. The issue that continues to be controversial is that of the ratio between the share of internal (hereditary) determinations and that of the external conditions in structuring the whole personality, between stable and dynamic (Ciobanu, 2004, p. 114).

Criminal anthropology studies the criminal starting from the idea that the criminal individual is, first of all, a biological phenomenon on the causality of crime, Cesare Lombroso formulated the thesis about the existence of a *born criminal*, irresponsible of his actions (Pop & Neagu, 2005, p. 36).

Lombroso represents the classic vision in the study of the phenomenon of criminology. He tried to prove that the criminal person is born, having the opinion that the endogenous factor has a dominance over the personality of the offender.

Cesare Lombroso himself made a first classification of the personality of the criminals.

Thus, Lombroso classifies criminals into: 1) born criminals; 2) moral fools; 3) epileptic criminals (epileptoids); 4) passionate criminals; 5) mad criminals (this category also focuses on alcoholic hysterical or semi-insane criminals); 6) occasional criminals; 7) criminals by habit; 8) latent criminals.

The biological orientation encompasses these concepts that assign an organic substrate to delinquent behaviour. The promoters of this orientation try to demonstrate the existence of specific bioanthropological features that differentiate the criminal from the non-criminal (Pop & Neagu, 2005, p. 36).

In this regard, the biological element has two valences. On the one hand, it aims at the fact that a certain category of individuals is born criminals. The quality of criminal is transmitted to them genetically and is a dominant trait. Such individuals will inevitably commit crimes, regardless of the conditions of life education, no matter how favourable they may be to the formation of an integral personality (Bujor & Bejan, 2013, p. 15).

From the beginning, Lombroso considered criminality as a hereditary factor, and later admitted the role of social and physical factors.

This theory, however appealing it may seem, does not consider the realities of scientific knowledge, which may lead to false conclusions, namely that "crime would

be a disease”, which is obviously wrong. If it was concluded in this way, it would mean that all offenders may invoke the natural/congenital reasons that could lead to the removal of the guilt for the committed actions.

The biological components of the personality include all the native endowment of the individual, regardless of whether some characteristics are found in predecessors (hereditary characteristics) or not (inborn characteristics). In determining the behaviour, especially the deviant one, the major qualities or deficiencies of the organism, the temperamental characteristics, as well as the aptitude constellation of the individual are often determining forces, but these could be tempered by education or even by punishment (Butoi, 2004, p. 57).

Although Lombroso dealt with the endogenous determinant causes of criminality, Enrico Ferri, being his student, admitting the anthropological theory, dealt with its exogenous causes, having a significant role in the study of sociological criminology. Thus, crime involves the analysis of biological, physical and social factors all together.

The conclusions regarding the influence of physical and social factors in crime genesis are based on extensive studies undertaken by Ferri in France and Italy. “The rise and fall of criminality depend, first and foremost, on social factors, that is, on those factors that are easier than others to influence and correct at the will of the legislator” (Glatchi, 2002).

Besides social factors, E. Ferri also emphasizes on the economic and political factors, specifying their significant importance in the creation of the criminal.

The personality of the offender is a product of the socialization process in which the individual’s acquisition and assimilation of the values, norms, provisions, behavioural patterns characteristic to the respective society, community or social group take place (Florea, 2013, p. 28).

The sociologist Ferri mentioned that the conditions in which they live cause them to have criminal behaviour. Thus, specifying that the state itself, by applying the criminal law, can contribute to the prevention and countering of crimes, and for the exceptionally serious crimes, even the death penalty.

Enrico Ferri included the ideas regarding the sociological causes on the phenomenon of criminality in two major works: *Homicide* and *Criminal Sociology*.

The biological traits of the offender's personality are not causing for the criminal behaviour. The negative moral traits and particularities of the personality that were

acquired in the process of socialization are causes of this behaviour; the person is not born, but becomes a criminal. The biological features of the human being are conditions that favour the formation of personality, as well as influence the criminal behaviour by facilitating and stimulating the criminogenic orientations of the society (Moraru, 2001, p. 11).

As a social and individual phenomenon, crime is determined by multiple causes and conditions, without which it could not exist, either as a real or virtual phenomenon. Therefore, combating this phenomenon, first of all, involves combating the causes that generate it and the conditions that favour it, which implies an intense work of criminal prophylaxis, which will ultimately lead to its eradication (Ciobanu, 2004, p. 51).

Secondly, the fight against the criminal phenomenon implies the adoption of different means of combating, depending on the diversity of causes and conditions (economic, social, personal-individual, etc.) that have generated it. As such, in preventing and combating the criminal phenomenon, a wide range of means will have to be used, from the socio-economic to the moral, educational ones, etc.; in addition, there are other such means as well as administrative-preventive and organizational means, all aimed to remove the favourable conditions for committing crimes, which must be applied *antedelictum* and only consider hypothetical (virtual) criminality (Diaconu, 2008, p. 25).

There is an opinion that the duty of preventing illicit acts does not only belong to criminology, but also to the administrative bodies, especially the police, who also has the obligation to prevent any action that might disturb the order of law; all preventive measures, even those imposed by the commission of an offense, are, in essence, police-tactical measures, therefore from the administrative spectrum, and excluded as such from the specific issue of criminal law.

By analysing the anthropological and sociological theories, we can observe that the social factors are the defining ones in creating the criminal's personality and, at the same time, the latter in counteracting them.

When the person, possibly because of hereditary factors, is predisposed to commit offenses because of greed or crimes accompanied by aggression, violence or if the person has certain vices such as consumption of narcotics or alcohol, a complementary curative measure of medical treatment is imposed. Therefore, it is the responsibility of the institutions and administrative factors to identify and treat the people who have certain pre-criminal behavioural deviations in order to avoid



criminal actions that would affect the entire society. Educating young people in the spirit of Christian morality and ethics will be a guarantee of respecting the rights and freedoms consecrated by the Constitution and the Universal Declaration of Human Rights, as well as a means of protecting them against the criminal challenges that are specific to the society we live in. Also, education is the determining factor in preventing recurrence.

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