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Positive School of Criminology and role in study of Serial Killers

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Introduction

The Positive School of Criminology emerged in the late 19th century and gained significant influence during the early 20th century. It proposes that criminal behavior is influenced by biological, psychological, and social factors, rather than stemming from individual free will or deliberate rational decisions. This school emphasizes the use of empirical research and scientific methods to examine and understand crime. It views criminal behavior as a sociological issue that can be systematically analyzed and interpreted.[1]

Development of the Positive School of Criminology: The Positive School of Criminology, much like other advancements in scientific thinking, should not be attributed solely to the independent work of individual scientists or philosophers. Instead, it represents a natural progression a necessary phase in the development of the complex and somber field that deals with the pathology of crime. It presents a stark and unsettling contrast to the achievements and forward movement of modern civilization.[2]

The 19th century saw significant progress in reducing mortality and controlling infectious diseases, largely due to breakthroughs in physiology and the natural sciences. Diseases like typhoid fever, smallpox, cholera, and diphtheria declined as scientific methods addressed their underlying causes. However, in contrast to these medical victories, modern society has witnessed a disturbing increase in moral and social afflictions. Conditions such as insanity, suicide, and crime the troubling trio of societal disorders—have continued to rise. This contrast underscores the pressing need for the scientific study of these issues to develop a clearer understanding of their origins. Only through accurate diagnosis can more effective and compassionate solutions be devised to tackle this grim triad.[3]

[1] Irenaus Eibl Eibesfeldt, *Ethology: The Biology of Behavior* 70 (Holt, Rinehart and Winston, 1970)
[2] Justin Pikunas, *Human Development: An Emergence Science* 72 (Mcgraw -Hill, INC, 1961)
[3] CA Moser, *Survey Methods in Social Investigation* 45 (Routledge Publishers, 1971)

Positive Criminology arose in the 19th century in response to a striking and seemingly contradictory situation one that cannot be fully understood without considering its historical and scientific background. It is particularly puzzling that Italy, despite having established a well-developed theoretical framework through the Classical School of Criminology, was at the same time experiencing a dramatic rise in criminal activity. Crime increased significantly across both the upper and lower social classes, exposing the shortcomings of traditional criminological theories in effectively understanding or controlling this growing phenomenon.[4]

The Positive School of Criminology developed organically, much like other scientific disciplines, grounded in the practical experiences of everyday life. It would be unreasonable to attribute its emergence to the efforts of a few individuals, as its foundations and outcomes were shaped by wider social conditions rather than isolated accomplishments.[5]

The mind of a scientist operates much like an electrical accumulator, taking in and reacting to the rhythms of life its successes and its setbacks and from this engagement, recognizing the need to respond to urgent social issues. At the same time, it would be short-sighted for a positivist scientist to overlook the important contributions of earlier thinkers, whose attempts to explore the unknown have left a significant and enduring impact on the complex and often demanding journey of scientific exploration..[6]

No individual whether a scientist, legislator, or judge has ever succeeded in creating an absolute standard to determine what punishment is truly just for a particular crime. At most, what we have are practical compromises or provisional solutions, rather than definitive answers. Ideally, if we could identify the most serious crime, we could then assign it the most severe punishment, such as death or life imprisonment, and build a descending scale that matches each crime with an appropriate penalty. For instance, if patricide is universally regarded as the gravest offense, it would receive the harshest sentence, with less severe crimes receiving proportionately lighter punishments. The real difficulty, however, lies in determining

[4] Kirk J. Schneider, *The Handbook of Humanistic Psychology* 12 (Sage Publications, 2011)
[5] A.K. Sharan, *Applied Psychology* 82 (Rajat Publications, 2000)
[6] Aubrey J. Yates, *Behavior Therapy* 133 (John. Wiley & Sons, INC, 1970)

that initial benchmark the most serious crime not in constructing the hierarchy that would follow from it.[7]

No individual can define an absolute standard in this matter. Giovanni Bovio ultimately recognized that the internal contradiction within the science of criminology is an inevitable aspect of human justice. Confronted with this conflict, justice must accept its own limitations and turn to civil law for support to address its deficiencies. This notion had already been hinted at by the insightful Filangieri, whose early death brought a premature end to a promising intellectual journey. From this, a historical pattern becomes clear: in the more barbaric phases of human development, criminal codes were centered entirely on punishment, offering no path for rehabilitation. In contrast, as societies become more advanced, a more enlightened perspective emerges one that emphasizes healing rather than retribution.[8]

It is therefore appropriate that the University of Naples where a prominent figure of the Classical School acknowledged the need for its transformation, and where Bovio foresaw its limitations is now a center for a new generation of scholars. Academics like Penta, Zuccarelli, and others familiar to you are continuing to advance the tradition of positivist thought within the field of criminal science.[9]

Despite this, the study of criminal law within jurisprudence still feels stagnant, largely because it continues to be shaped by the dominant influence of Enrico Pessina's legacy. The situation is understandable just as a great tree reaching high into the sky can overshadow the saplings below, depriving them of light and air, young ideas may struggle to grow under such a powerful presence, even though they might thrive in a more open environment.[10]

The Positive School of Criminology originated in Italy, influenced by the Italian intellect's distinctive interest in the study of crime. Its development was also shaped by the country's

[7] Calvin S. hall, Gardner Lindzey, *Theories of Personality* 19 (John Willey & Sons INC., 1998)
[8] Robert c. Davis, Arthur J. Lurigo, *Victims of Crime* 106 (Sage publications, 2007)
[9] Sue Titus Reid, *Crime and Criminology* 90 (MC Graw Hill, 2003)
[10] Gail S. Anderson, *Biological Influences on Criminal Behavior* 10 (Simon Fraser University Publications, 2007)

specific context a sharp contrast between advanced theoretical frameworks and the concerning reality of an increasing crime rate.[11]

The Positive School of Criminology was established through the pioneering efforts of Cesare Lombroso in 1872. Between 1872 and 1876, he introduced a revolutionary perspective on criminal behavior, arguing that understanding the individual who commits a crime must come before analyzing the crime itself. Using anthropological methods, Lombroso studied inmates in various Italian prisons and recorded his observations in the reports of the Lombard Institute of Science and Literature. These findings later formed the basis of his influential work, *Criminal Man*. However, the first edition of the book, published in 1876, received little attention possibly because it contained limited scientific analysis or because Lombroso had not yet drawn the broader conclusions needed to engage the scientific and legal communities.[12]

Alongside the release of Lombroso's second edition in 1878, two additional monographs were published that helped establish the foundation of this emerging school of thought. These works expanded on Lombroso's anthropological approach by incorporating sociological and legal viewpoints. One of them featured an essay by Raffaele Garofalo, published in the *Neapolitan Journal of Philosophy and Literature*, where he argued that society's reaction to crime should be based on the concept of the offender's dangerousness, framing it as a form of self-defense against the social illness of crime. The simultaneous publication of these three works drew widespread attention. At first, scholars of Classical Criminology many of whom had followed the advice of thinkers like Pessina and Ellero to explore the natural causes of crime met the new school's bold and unconventional methods with skepticism and derision. What began as reserved critique soon escalated into outright resistance, a reaction that was perhaps inevitable given the significant departure these ideas represented from established traditions.[13]

[11] Roger Hopkins Burke, *An Introduction to Criminological Theory* 108 (William Publications, 2005)
[12] Joelle Guillais, *Crimes of Passion* 114 (Polity Press, 1990)
[13] John Braithwaite, *Inequality, Crime, and Public Policy* 98 (Routledge and Kegan Paul, 1979)

The law of survival applies not only to the countless acorns scattered by an oak tree but also to the ideas that arise in the human mind. No matter how much an idea is persecuted, ridiculed, or resisted, if it carries even a fragment of truth, it cannot be extinguished. The instinctive resistance that the average mind whether of a layperson or a scholar shows toward new ideas is a natural and predictable reaction. When a new idea is born, even mockery and harsh criticism serve a purpose: they test its strength. If the idea is weak or flawed, it will eventually disappear. But if it holds truth, opposition and critique will help refine it, shedding its imperfections and revealing its true worth. Such an idea, once proven, will prevail despite all obstacles. This process is consistent across all domains whether in art, politics, or science. Every revolutionary idea is bound to face resistance from entrenched beliefs. This was clearly seen when Cesare Beccaria introduced the Classical School of Criminology; the very criticisms he faced in his time were echoed a century later in response to our own efforts.[14]

When Cesare Beccaria released his landmark work *On Crimes and Punishments* in 1774, he did so under a false date and place of publication to avoid potential backlash. His writings captured the spirit of the era, echoing the ideals that would soon inspire the French Revolution. By openly criticizing the harshness of medieval laws and condemning the use of torture and the death penalty, he sparked enthusiasm among Enlightenment thinkers and even gained attention from some members of the French government. However, his forward-thinking ideas were met with intense opposition. Many legal scholars, judges, and well-known philosophers reacted with hostility, slander, and harsh accusations. The Abbot Giacinto, for example, published four volumes attacking Beccaria, accusing him of undermining justice and morality simply because he stood against cruel and inhumane forms of punishment..[15]

The use of torture, often blamed on the cruelty of judges in earlier times, was actually a logical consequence of the legal principles that dominated that period. It was commonly held that no one should be convicted without complete certainty of guilt, and the most valued form of evidence the so-called “queen of evidence” was the confession of the accused. As a result, if a

[14] David Downs and Paul Rock, *Understanding Deviance* 121 (Clarendon Press,Oxford, 2009)
[15] Girish Mishra, Braj kumar Pandey, *White Collar Crimes* 12 (Gyan Publishing House, 2004)

suspect denied the charges, torture was viewed as a necessary means to obtain a confession, believed to be withheld out of fear of the consequences.[16]

Torture, in a way, provided judges with a sense of moral justification, as obtaining a confession allowed them to pass sentence with a clearer conscience. Cesare Beccaria, along with others, firmly opposed this practice. In reaction, many judges and legal experts argued that without torture, the criminal justice system would become ineffective, as suspects would never confess on their own. Consequently, Beccaria faced strong criticism and was accused of defending criminals thieves and murderers merely because he called for the elimination of what was then considered the only effective means of securing a confession..[17]

Cesare Beccaria had the powerful advantage of truth on his side. He was, in many respects, the electric conductor of his time, absorbing the intellectual energy of the era and sensing the onset of a revolution a shift in the moral awareness of humanity. A similar transformation can be observed in the work of Daquin in Savoy, Pinel in France, and Hach Take in England, who aimed to reform how society treated the mentally ill. This comparison is especially significant, as it parallels the journey of the Positive School of Criminology. Just as criminals were once viewed as inherently wicked, the mentally ill were historically held responsible for their own suffering. At the beginning of the 19th century, for example, physician Hernroth still argued that madness was a moral weakness, asserting that "no one becomes insane unless he strays from the path of virtue and the fear of God."[18]

At that time, Pinel introduced a groundbreaking idea: that insanity was not a moral defect or a sin, but a medical condition like any other illness. While this view is widely accepted today, it was radical for its time and seemed likely to challenge the foundations of the existing social order. Notably, two years before the storming of the Bastille, Pinel entered the Salpêtrière asylum and took the courageous step of removing the chains from the mentally ill, freeing them from both the physical and symbolic restraints that had long characterized their treatment.[19]

[16] Walter C. Reckless, *The Crime Problem* 17 (Vakils,Feffer and Simons Private Limited, 1971)
[17] Elizabeth H. Hutchison, *Dimensions of Human Behavior* 122 (Virginia Commonwealth University, 1999)
[18] The Psychology of Death Investigations, *Katherine Ramsland*, 42 (CRC Press, 2018)
[19] Reid Griffith Fontaine, *The Mind of the Criminal* 82 (Cambridge University Press, 2012)

Through his actions, Pinel demonstrated that freeing the mentally ill from their chains led to greater calmness, not disorder or violence. This crucial shift, driven by Pinel, Chiarugi, and others, helped reshape society's view of mental illness. Where madness was once regarded as a moral flaw or sin, the advancement of science encouraged a new understanding of it as a medical condition like any other. People gradually came to realize that no one chooses to become mentally ill; rather, it often results from hereditary traits and external pressures affecting individuals who are already predisposed.[20]

The Positive School of Criminology introduced a transformative change in society's understanding and treatment of criminals, similar to the impact made by early reformers in mental health care. For a long time, traditional criminal theorists and the wider public believed that crime was a result of moral guilt, stemming from an individual's conscious choice to reject virtue and commit wrongdoing. As a result, this perspective maintained that crime should be met with a punishment equal in severity, in order to deter and control such behavior.[21]

Fundamental Principles of the Positive School of Criminology: In contrast, the Positive School of Criminology maintains that criminal behavior is not the result of free will. Rather, it suggests that a person becomes a criminal due to a combination of personal, physical, and moral conditions either temporary or permanent alongside various environmental influences. These factors form a chain of internal and external causes and effects that increase the likelihood of an individual committing a criminal act.[22]

At the heart of this approach, the core principle of the Positive School of Criminology also offers insight into why its progress has appeared relatively slow. This is not surprising. When we look at the reforms brought about by Cesare Beccaria's ideas in response to medieval criminal justice, it becomes evident that the Classical School represented only a limited step forward. This is largely because it continued to rely on the same theoretical and practical foundations as those found in the Middle

[20] CA Moser, *Survey Methods in Social Investigation* 27 (Routledge and Kegan Paul, 1971)
[21] John Douglas and Mark Olshaker, *Mindhunter: Inside the FBI's Elite Serial Crime Unit* 141 (Scribner, 1995)
[22] David Krech Richard S. Crutchfield &Egerton L. Ballachey, *Individual in Society* 150 (B& JO Enterprise Pvt. Ltd, Singapore, 1986)

Ages and classical antiquity, focusing mainly on the idea of individual moral responsibility.[23]

For Beccaria, Carrara, and those who came before them, the central idea aligned closely with what is outlined in books 47 and 48 of the Digest: "A criminal is punishable only to the extent of their moral responsibility for the crime." As such, the Classical School can largely be seen as a movement of reforms. Although practices like capital punishment, torture, confiscation, and corporal punishment have been abolished in certain countries, the scientific advancements of the Classical School have, in the end, been confined to reform rather than leading to a fundamental transformation.[24]

Throughout the 19th century, crime was still largely understood in the same way it had been during the Middle Ages: "Anyone who commits murder or theft does so by their own deliberate choice." This belief continued to serve as the foundation of the Classical School of Criminology. Its emphasis on moral responsibility contributed to the faster spread of the Classical School compared to the Positive School of Criminology. Even so, it took nearly fifty years after Beccaria's era for penal codes to begin incorporating the reformist principles advocated by the Classical School.[25]

The Positive School of Criminology emerged in 1878, calling not merely for reforms but for a complete and fundamental transformation of the criminal justice system. Since then, it has made considerable progress, with its influence increasingly visible in our country. In fact, the present Penal Code represents a compromise between the traditional theory based on free will and the Positive School's perspective, which rejects free will as the root of criminal behavior and instead emphasizes alternative explanations.[26]

rephrase the above para[27]

[23] Justin Pikunas, *Human development: An Emergence Science* 141 (Mcgraw -Hill, INC, 1961)
[24] Colin Wilson, *Serial Killer Investigations* 3 (Summersdale, 2008)
[25] Lawrence D Simkins, *The Basic of Psychology as a Behavioral Science* 12 (Blaisedell Publishing Company,1982)
[26] Justin Pikunas, *Human Development: An Emergence Science* 126 (Mcgraw -Hill, INC, 1961)
[27] Aubrey J. Yates, *Behaviour Therapy* 128 (John. Wiley & Sons, INC, 1970)

An illustration of this can be found in the detailed and inventive arguments presented in the essays on the Criminal Code by Mario Pagano, a prominent figure of the Classical School of Criminology. This exceptional scholar and patriot did not remain isolated in academic contemplation; rather, he was deeply inspired by the spirit of his time and devoted himself to promoting its ideals through active engagement.[28]

It is often said that this issue proved too complex for the framers of the new Italian Penal Code. As a result, they chose a more practical route, basing criminal responsibility on the straightforward idea that a person is guilty if they intended to commit the act, and not responsible if there was no such intent. However, this solution is more of a compromise than a true resolution. The same code also punishes individuals who commit offenses unintentionally, imposing imprisonment for involuntary acts such as accidental killing or injury, much like for intentional crimes. The common justification is that while the harmful result may not have been intended, the action that led to it was deliberate. For instance, if a hunter fires a shot through a hedge and unintentionally kills or injures someone, he is still held liable because the act of shooting was a voluntary decision.[29]

Today, both science and law ought to follow a consistent and rational framework, whether that be the approach of the Classical School or the Positive School of Criminology. Yet, those who claim to have solved the problem by adopting a position that is neither clearly one nor the other often arrive at the most illogical and unjust outcomes.[30]

Such scenarios may arise in cases involving serious or extraordinary crimes. But consider the proceedings in Municipal or Police Courts, where justice is applied to everyday people those who may have stolen a bundle of firewood to endure a bitter winter or struck someone during a tavern dispute. If one of these individuals is fortunate enough to have a defense lawyer who requests the opinion of a medical expert, take note of how the judge is likely to respond..[31]

[28] Gerald Matthews, Ian J. Deary, Marth C.Whiteman, *Personality Traits*, 11 (Cambridge University Press, 2003)
[29] Dr. Syed Mohammad Afzal Qadri, *Criminology and Penology* 13 (Eastern Book Agency, 20, 2009)
[30] John Douglas and Mark Olshaker, *Journey into Darkness* 12 (Pocket Books, 2003)
[31] Robert C. Davis, Arthur J. Lurigo, *Victims of Crime* 121 (Sage Publications, 2007)

When faced with a brutal and exceptional crime, the justice system is deeply unsettled it hesitates, consults forensic experts, and weighs the facts carefully before delivering a verdict. But when dealing with poor, faceless individuals—the overlooked "microbes" of the criminal world who steal out of hereditary or acquired degeneration, or the madness brought on by persistent hunger justice shows no such restraint or empathy. Instead, it often responds with a cold, almost mocking indifference when they ask for mercy or understanding.[32]

Occasionally, within the halls of justice so often isolated from the pulse of public experience there emerges a more reflective and compassionate judge, someone guided by a deep awareness of the harsh realities people face. Working within the conflicting structure of penal justice, which uneasily straddles the principles of the Classical and Positive Schools of Criminology, such a judge may strive to find a practical solution that restores a measure of fairness and equilibrium.[33]

In 1832, France implemented a penal reform that seemed to signal progress in the pursuit of justice but, in reality, represented a retreat from it: the introduction of extenuating circumstances. Rather than consulting a court physician to understand the condition of a desperate offender, the judge often delivers a conviction without objection, leaving the individual to face society's judgment. To quiet his own conscience, the judge may grant extenuating circumstances a gesture that appears compassionate but, in truth, falls short of delivering genuine justice.[34]

Either one believes that an individual is entirely responsible for their crime in which case, granting extenuating circumstances becomes an act of hypocrisy or one accepts these circumstances sincerely, which implies recognizing that the person's moral responsibility was reduced, thus making the punishment itself a contradiction of true justice. If such belief is genuine, then it must come with a thorough and honest examination of the many complex factors that contribute to these mitigating conditions, approached with clarity and understanding.[35]

[32] Thomas J.Lorenzo, *Organized Crime* 110 (Mises Institute, 2012)
[33] Jeffrey D. Sachs, *The End of Poverty* 30 (The Penguin Press, 2005)
[34] Russil Durrant, *An Introduction to Criminal Psychology* 81 (Routledge, 2018)
[35] Steven B Karch, *Drug Abuse Handbook* 43 (CRC Press, 1982)

Picture a child abandoned by parents worn down by the relentless pace of modern industry—a system that ignores the natural rhythms of life, where machines never rest and the end of the day merely marks the beginning of another shift. In this world, rest is denied, and even children in their formative years are not spared; their physical strength is exploited to serve the interests of capital. Mothers, too, during the sacred time of maternity, are reduced to functioning parts within this industrial mechanism. The child, left to survive in these unforgiving conditions, grows up amidst squalor and neglect, with their fate tragically recorded in the criminal statistics that mar the image Even a brief consideration of the positive contributions of modern science which emphasizes understanding the offender and their environment rather than focusing solely on the crime requires limiting the discussion to a few essential points regarding the historical roots of the Positive School of Criminology. However, it must be acknowledged that this important subject, which calls for a deep exploration of the physical, moral, and intellectual dimensions of life, cannot be adequately addressed in just a few lines.[36]

When someone grasps the underlying causes of a phenomenon, they tend to see it as a natural and inevitable outcome. In contrast, when these causes remain unknown, the event is often perceived as accidental. This mirrors how, in matters of human will, choices can seem random when the will is unsure or pulled in different directions. A fitting example is the once-common belief and one still held by some that weather events happen by chance and are beyond prediction.[37]

In the meantime, science has shown that weather events are also governed by the law of causality, having uncovered the underlying causes that allow us to predict their patterns. Thanks to a network of meteorological stations linked by telegraph, remarkable progress has been made in forecasting weather, including hurricanes, by clearly demonstrating the cause-and-effect relationships behind such phenomena. This makes it clear that attributing events in physical nature to mere chance is unscientific.[38]

[36] Jeffrey D. Sachs, *The End of Poverty* 40 (The Penguin Press, 2005)
[37] Vikram Chandra, *Sacred Games* 131 (Harper Collins Books, 2001)
[38] W.J.Wilkins, *Hindu Mythology* 141 (Thacker Spink and CO., 2006)

Every physical phenomenon is the inevitable result of specific causes that preceded it. When we are aware of these causes, we recognize the phenomenon as necessary or predetermined. However, when these causes are unknown, we tend to perceive the event as accidental.[39] The same principle applies to human behavior. However, because we often lack knowledge of the internal and external factors influencing people's actions, we assume these actions are freely chosen that they are not necessarily determined by their causes. This leads to the spiritualist view of free will, which holds that every individual, despite being shaped by predetermined internal and external conditions, can make decisions purely by the force of will. According to this view, even if all contributing factors point to a "no," a person can still choose "yes," and vice versa.[40]

On the other hand, nothing in existence is ever truly created or destroyed neither matter nor energy for both are eternal and indestructible. They may change form endlessly, but not a single atom disappears or is added, and no vibration occurs without a cause. Similarly, it is the interaction of internal and external forces that ultimately shapes and governs the decisions of our will at any given moment.[41]

The idea of free will stands in direct opposition to the principle of cause and effect, both in philosophical and theological contexts. Theologians such as Saint Augustine and Martin Luther offered strong arguments challenging the existence of free will. Their reasoning suggests that belief in an all-powerful God cannot coexist with the concept of human free will. If everything unfolds according to God's will if not even a leaf falls without His consent then how could an act as grave as patricide occur without also being in accordance with that divine will? This is why both Augustine and Luther wrote extensively on the concept of the "bondage of the will*"* *(*de servo arbitrio*)*, asserting that the human will is not truly free, but bound by greater forces.[42]

[39] John Braithwaite, *Inequality, Crime, and Public Policy* 161 (Routledge and Kegan Paul, 1979)
[40] Robin Wright, *The Jihadi Threat* 150 (United States Institute of Peace, 2018)
[41] Tallyn Gray, *Islam and International Criminal Law and Justice* 189 (Torkel Opsahl Academic Publisher, 2018)
[42] Angel M Rabasa, *Muslim World after 9/11* 60 (Rand Corporation, 2004)

Since theological arguments carry significance only for those who believe in a divine being a belief not supported by scientific evidence we must instead look to the observable laws of force, matter, and causality. Modern science has shown that all phenomena are interconnected through cause and effect, with every event arising from specific, identifiable causes. If the principle of causality forms the foundation of modern scientific thought, then accepting the idea of free will would contradict this very law, which asserts that every effect must be the result of a corresponding cause...[43]

Because theological arguments are meaningful only to those who believe in a divine being a belief not grounded in scientific proof we must instead rely on the observable laws of force, matter, and causation. Modern science has demonstrated that all phenomena are linked through cause and effect, showing that every event stems from particular, identifiable causes. If the principle of causality is central to scientific understanding, then accepting the concept of free will would directly conflict with this law, which holds that every effect must have a corresponding cause.[44]

Take, for example, Cicero's *De Officiis* or Dante's *Divine Comedy* both works reflect a worldview in which Earth is regarded as the center of creation, surrounded by the stars, and humanity is viewed as the Supreme Being among all creatures. This geocentric and anthropocentric view was deeply rooted in human pride. Then came Copernicus and Galileo, who demonstrated that Earth is not fixed at the center but is instead a small fragment of cosmic matter, spinning through space and orbiting the sun—a star formed from a vast primordial nebula. Galileo faced persecution for presenting these truths, as they directly challenged established religious and moral beliefs. Yet his discoveries endured, and today, the notion that Earth is the center of the universe has been left behind.[45]

Yet humans often hold tightly to comforting illusions and are slow to fully embrace scientific progress, hesitating to accept the deeper truths that reveal humanity's place within the broader

[43] Mohammad Hashim Kamali, *Crime and Punishment in Islamic Laws* 130 (Oxford University Press, 2019)
[44] Graeme R. Newman, *Crime and Punishment Around the World* 15 (ABC CLIO, 2010)
[45] Tallyn Gray, *Islam and International Criminal Law and Justice* 109 (Torkel Opsahl Academic Publisher, 2018)

universe. Even after the geocentric view was overturned, the anthropocentric illusion remained. People continued to see themselves as the masters of creation and the central purpose of life on Earth. It was commonly believed that all animals, plants, and minerals existed solely to serve human needs, and that the forms we observe today have remained unchanged since the dawn of time that Earth's living and non-living elements have always appeared exactly as they do now.[46]

For instance, Cicero once asserted that the heavens were arranged around the Earth and humanity so that people could admire the beauty of the night sky, and that animals and plants existed purely for human use and pleasure. But in 1856, Charles Darwin challenged this deeply rooted illusion. Drawing on a century of scientific inquiry, he dismantled the notion that humans are supreme beings placed at the center of creation. Despite facing harsh criticism and slander from those unwilling to accept change, Darwin revealed that humans are not nature's rulers, but rather the final product in a long evolutionary chain. He showed that nature—driven by persistent and universal forces shapes life gradually, evolving from microscopic organisms to complex plants and animals, and eventually to humans, with the same fundamental laws of life observable even in the structure of crystals.[47]

Over time, the anthropocentric illusion has gradually given way to scientific discovery, and today Darwin's theories are largely accepted as part of our understanding of the natural world. Yet another illusion remains the belief that the social order established in the nineteenth century is fixed and permanent. While the myths of a geocentric universe and human supremacy have been dismantled, the notion that social classes are immutable and eternal still persists. However, as science continues its pursuit of truth and a deeper grasp of reality, it too will ultimately dismantle this enduring misconception..[48]

It is worth remembering that in 16th-century Holland, 17th-century England, and across Europe after the 1789 Revolution, the victory of intellectual freedom in science, literature, and

[46] Angel M Rabasa, *Muslim World after 9/11* 108 (Rand Corporation, 2004)
[47] Sue Titus Reid, *Crime and Criminology* 48 (MC Graw Hill, 2003)
[48] Michael Newton, *The Encyclopaedia of Serial killers* 106 (Facts on File, 2006)

art led by the bourgeoisie overcame the restrictive dominance of medieval dogma. However, this breakthrough, instead of being viewed as a pivotal step in humanity's ongoing development, is often mistakenly seen as the final stage, as if society has reached a fixed point where no further progress or transformation is possible.[49]

This illusion lies at the heart of the main objection to the Positive School of Criminology, with critics claiming that grounding criminal justice in the ideas of Beccaria and Carrara would constitute a radical break from long-standing tradition. The same illusion is used to oppose those who advocate for a socialist future, despite their arguments being logical extensions of the scientific advances made by Copernicus, Galileo, and Darwin. In truth, socialism reflects the natural and scientific evolution of economic and social systems—an ongoing transformation based on the same principles of progress and causality that form the foundation of modern science.[50]

It is believed that by studying the criminal and drawing reasoned conclusions from that analysis, the justice system can undergo a meaningful transformation not merely as an abstract theory confined to academic discourse, but as a practical, day-to-day instrument that responds to the real-life challenges faced by individuals who have found themselves involved in crime.[51]

There remains a strong conviction that scientific truth will ultimately reshape penal justice into a rational and humane system—one focused solely on protecting society from the social illness of crime, free from the lingering traces of vengeance, hatred, and retribution that still echo from a more barbaric past. Even today, society demands "public vengeance" against those who break the law, and justice continues to be symbolized more by the sword than by the scales. Yet no judge, being human and fallible, can truly assess the moral responsibility of someone who commits theft or murder. Only when the experimental and scientific method begins to explore the roots of crime in an individual's physical and psychological traits, their family background, and their environment, will justice guided by science set aside the sword. It will

[49] Joelle Guillais, *Crimes of Passion* 100 (Polity Press, 1990)
[50] Aubrey J. Yates, *Behaviour Therapy* 12 (John. Wiley & sons, INC, 1970)
[51] Len Deighton, *Soy Line* 205 (Grafton books, London Glasgow, 1989)

stop punishing through bloodshed and instead become a clinical, investigative process aimed at understanding and addressing the deeper causes of criminal behavior. Only then will justice move beyond revenge, abandoning the cruelty of execution and the isolation of confinement in favor of meaningful, corrective intervention.[52]

On one hand, the fate of a human life can be decided by a judge who, being fallible, is capable of error an especially grave concern in cases involving the death penalty. A society holds no moral justification for taking a life unless it is an act of absolute necessity in legitimate self-defense. On the other hand, the practice of solitary confinement emerged during the second wave of the Classical School of Criminology. Around the same time that Beccaria was calling for criminal justice reform, John Howard traveled throughout Europe, exposing the appalling conditions of overcrowded prisons. These institutions had become breeding grounds for disease and posed serious risks not only to inmates but to public health and safety as well.[53]

The Classical School then shifted to the opposite extreme by adopting solitary confinement, drawing inspiration from the American prison systems developed in Philadelphia and Harrisburg during the early 19th century. While limited nighttime isolation is still considered acceptable, the practice of continuous solitary confinement day and night is strongly opposed. Pasquale Mancini famously referred to such confinement as "a living grave," a phrase intended to ease public concerns when, in 1876, he passionately advocated for the abolition of the death penalty, speaking as one of the most prominent voices of the Classical School.[54]

In his final reflections, even he acknowledged that the future rightfully belongs to the Positive School of Criminology. It is this very idea of the “living grave” that we resolutely oppose. There is neither justice nor humanity in locking a person away in a confined cell, severing all ties with society, and then expecting them after years of isolation to reintegrate and live normally. To declare, “Now that your lungs are unaccustomed to fresh air and your legs unused

[52] David Krech Richard S. Crutchfield &Egerton L. Ballachey, *Individual in Society* 100 (B& JO Enterprise Pvt. Ltd, Singapore, 1986.)
[53] Irenaus Eibl Eibesfeldt, *Ethology: The Biology of Behavior* 304 (Holt, Rinehart and Winston, 1970)
[54] CA Moser, *Survey Methods in Social Investigation*, 17 (Routledge Publishers, 1971)

to open roads, you are free but be warned, if you falter again, your punishment will be even more severe," is not justice. It is cruelty disguised as rehabilitation.[55]

The traditional structure of crime and punishment, originally put forward by Cesare Beccaria more than a century ago, was eventually incorporated into the Indian legal system. About twenty years ago, this was followed by the rise of a more scientific perspective the approach advanced by the Positive School of Criminology.[56]

Role of Positive School of Criminology in study of Serial Killers: The Positive School of Criminology has been instrumental in deepening the understanding of serial killers by moving beyond moral condemnation and legal definitions to explore the underlying causes of their behavior. It approaches criminality as the result of complex interactions between biological traits, psychological conditions, and environmental influences. Through the study of mental illness, early life trauma, neurological impairments, and social conditions, this school offers a more comprehensive picture of what drives individuals to commit repeated acts of violence. Its contributions have shaped the development of criminal profiling, improved risk assessment tools, and guided strategies for prevention and rehabilitation, thereby playing a crucial role in modern efforts to address the phenomenon of serial killing.[57]

The Positive School of Criminology has played a pivotal role in transforming how the criminological world approaches serial killers by emphasizing scientific investigation over moral judgment. Rather than attributing such crimes solely to individual choice or evil intent, this school seeks to uncover the deeper causes that drive repeated violent behavior. In the case of serial killers, it examines the interplay between biological factors, psychological conditions, and environmental influences.

Key areas of focus include neurological abnormalities, mental health issues, personality disorders, and traumatic experiences during formative years. The Positive School also looks at social

[55] Kirk J. Schneider, *The Handbook of Humanistic Psychology* 107 (Sage Publications, 2011)
[56] A.K. Sharan, *Applied Psychology* 73 (Rajat Publications, 2000)
[57] Dr. Surendra Sahai Srivastva, *Criminology. Penology and Victimology* 35 (Central law agency, 117)

dynamics such as neglect, abuse, and isolation, which often contribute to the development of deviant behavior. By studying these elements, criminologists can better understand the motivations and triggers behind serial offenses.

This approach has enhanced criminal profiling, contributed to the creation of early intervention methods, and influenced how law enforcement and correctional systems handle serial offenders. The Positive School's commitment to evidence-based research has shifted the narrative from retribution toward prevention and rehabilitation, marking a crucial evolution in the field of criminology.[58]

Conclusion: In summary, the Positive School of Criminology has fundamentally transformed the way crime is perceived and addressed. By moving beyond the idea of free will as the sole cause of criminal acts, it promotes a deeper examination of the biological, psychological, and environmental influences that shape human behavior. This approach has proven especially valuable in understanding complex criminal phenomena like serial killings, where multiple factors often converge. The school's emphasis on scientific inquiry has led to more informed policies that prioritize prevention, rehabilitation, and social intervention over mere punishment. Ultimately, the Positive School offers a more compassionate and effective path forward in the pursuit of justice and public safety.[59]

[58] Walter C. Reckless, *The Crime Problem* 38 (Vakils,Feffer and Simons Private Limited, 1971)
[59] Gerald matthews, Ian J. Deary, Marth C. Whiteman, *Personality Traits* 123 (Cambridge University Press, 2003)