

Classical theory and josef fritzl philosophy essay



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The classical theory places firm emphasis on the individual criminal as a person who is capable of calculating what he or she wants to do. This idea is also supported by a philosophy that held that humans had free will and that behaviour was guided by hedonism and self-interest. In other words, individuals were guided by a pain-and-pleasure principle by which they calculated the risks and rewards involved in each of their actions (Lilly, Cullen & Ball 2002). This theory also holds reason that we are all equally capable to make decisions whether legitimate or not. The rational choice theory (a recent revision of the classical theory) may also be applied to this crime. The rational choice theory argues that criminals will also try to minimise risks of crime by considering the time, place, and other constraining variables such as ability. They make decisions among alternatives in this way (Cornish & Clarke 1986). Finally, the routines activity theory, another revision of the classical theory suggests that crime is normal and depends on opportunities available. The physical context, including the organisation of urban space and work routines may open up these ‘opportunities’ for crime to occur (Cohen & Felson 1979).

Josef Fritzl gave an honest confession to Austrian prosecutors upon being handed multiple indefensible charges and this was subsequently passed onto the media at his request in order to somehow justify his actions. During the interview Mr Fritzl commented that “ I knew that Elisabeth did not want the things I did to her. I knew that I was hurting her. But the urge to finally be able to taste the forbidden fruit was too strong. It was like an addiction” (Pancevski 2009). In this statement, Mr Fritzl implies that his behaviour was free-willed, even describing it to the point of an ‘addiction’. This is also a key

word as addictions are usually something that brings pleasure. In describing the classical theory on crime, the use of the word hedonism is commonly used, which is defined as a school of ethics which argues that pleasure is the only intrinsic good. It is clear that Mr Fritzl is hedonistic in this way. Despite knowing of the pain that his daughter was subjected to (“ I knew that I was hurting her”), he continued with his actions as he was able to “...finally taste the forbidden fruit”. Mr Fritzl’s actions were guided by maximising pleasure which was simultaneous with avoiding pain (Lilly, Cullen & Ball 2002), the pain being that of the guilt of hurting his daughter and having an incestual relationship with her.

Mr Fritzl commented that “ In reality I wanted to have children with her. I was looking forward to the offspring. It was a beautiful idea for me – to have a proper family, also down in the cellar, with a good wife and a couple of children. I always wanted to have many children (Pancevski 2009). One again Mr Fritzl states that he was willing to go as far as to rape and enslave Elisabeth in the cellar to simply attain what he ‘ wanted’. This self-interested decision is another important facet of the classical theory (Lilly, Cullen & Ball 2002). Another important observation to note based on this evidence was that Mr Fritzl always intended to keep his daughter, and possibly a family in the cellar. The rational choice theory may be used to explain this behaviour as it argues that criminals will also try to minimise risks of crime by considering variables such as time and place over alternatives (Cornish & Clarke 1986). By keeping his daughter ‘ down in the cellar’ (place) and not the usual parts of a dwelling, the risks of someone viewing such a crime or unusualness taking place would be far slimmer. Mr Fritzl also understood

that these actions would occur over a large period of time, if he wanted to start a family (ended after 24 years – time), so he had carefully considered what needed to be done while committing this crime. Mr Fritzl secretly constructed in the cellar of his home and equipped the underground chamber solely for that purpose, to unquestionably facilitate the crime of enslavement. He was capable of calculating what he wanted to do (Lilly, Cullen & Ball 2002). It is undeniable that Fritzl acted in a way to maximise his personal pleasure, by attempting to raise a family, even though it included a range of crimes such as raping, enslaving and have an incestual relationship with his own daughter. This notion directly underpins the classical theory of crime unarguably delivering evidence to its use in explaining this particular crime.

Mr Fritzl went on to state, “ Ever since she entered puberty she did not adhere to rules anymore. She would spend whole nights in dingy bars, drinking alcohol and smoking. I only tried to pull her out of that misery. That is why I had to do something” (Stewart 2009). In this statement the offender also implies that instead of allowing his daughter to associate with whomever and act in whichever way she wanted, Mr Fritzl acted in a self-interested manner to attempt to curb her behaviour, which led to his crimes. It is also implied that he thought he was doing a good thing by saving her from the outside world and enslaving her in the cellar, which would have led to feelings of doing a good deed, thus bringing pleasure and abstaining from pain. Using the cellar as a means to facilitate this crime gives valid reason to the routine activity theory as the cellar represents a section of ‘ urban space’ which allowed for a crime to occur over many years without anyone noticing,

shaping Mr Fritzl's decision to continue committing atrocities against his daughter. The physical context most likely influenced the offenders decision to commit the crime based on urban planning, allowing for an 'opportunity' for crime to occur and to continue to occur (Cohen & Felson 1979). The aforementioned evidence that Mr Fritzl manipulated this space to hold his daughter and his new 'family' also gives reason to this.

During the confession, Mr Fritzl said that "The urge to have sex with Elisabeth was getting stronger and stronger. It was a vicious circle, a circle from which there was no exit" and that "I was afraid of being arrested and of having my family and everyone out there find out about my crime" (Pancevski 2009). Both these statements reinforce the pain-and-pleasure principle by which the offender calculates the risks and rewards involved in each of their actions (Lilly, Cullen & Ball 2002). Refraining from having sex with Elisabeth, would not have brought pleasure and maybe even a dose of mental pain to Mr Fritzl, so acting upon his desires and hence committing rape highlights his plight for personal pleasure and consequently this key facet of the classical theory, even if it meant committing a terrible crime. Mr Fritzl also goes onto say he was afraid of being arrested. By giving himself in, Mr Fritzl would have immediately endured all sorts of physical and mental 'pain'. He would have been subjected to jail time much earlier and extreme amounts of humiliation based on his actions of enslaving his daughter, an action which his family would have looked on in disgust. Mr Fritzl confessed that "I really was thinking about whether I should let her go or not. But I was not able to make that decision, although – or maybe exactly because of that – I knew that with every passing day what I had done would be more

severely judged” (Stewart 2009). It was within Mr Fritzl’s benefit to negate any sort of action that would’ve brought pain (being severely judged), thus focused on continuing his crimes in secrecy to maximise pleasure, either pleasure that came from committing his crimes (rape) or that of avoiding punishment for his actions (being judged harshly). The pleasure-pain principle is visibly at play here. It is also clear that his decision was free-willed, when he mentioned that “ I really was thinking about whether I should let her go or not. But I was not able to make that decision”. The choice was Mr Fritzl’s alone, even suggesting that he took deep thought to think about his actions and their consequences. This ‘ offender acting there own accord’ mentality is another idea which describes the classical theory.

Mr Fritzl also confesses in detail about the construction of his underground ‘ kingdom’, he states, “ I guess it must have been around 1981 or 1982 when I began to build a room in my cellar as the cell for her... I plastered the walls, added a washbasin and a small toilet, a bed and an electric ring, a fridge, electricity” (Stewart 2009). Mr Fritzl quite clearly took steps to create an area for his crimes to occur. The rational choice theory which explains that individuals make decisions among alternatives that are rational given the variables of ability, time etc (Cornish & Clarke 1986), describes that Mr Fritzl clearly had quite enough time and the required construction ability to create an idea area to commit his crimes. In this case, the offender’s actions were once more influenced by the unrestricting variables of time, place and ability, which consequently adds weight to the rational choice theory, a revision of the classical theory, and its undeniable use in explaining Mr Fritzl’s crimes of rape, enslavery and coercion.

While the classical theory and its sub theories are unquestionably at play in explaining the offender's rationale in committing such horrifying crimes, the positivist theory may also help to explain these events and cover up the classical theories limitations based on a certain statement by Mr Fritzl. The positivist theory holds that there are biological and psychological factors which predispose an individual to criminality (Lilly, Cullen & Ball 2002). Mr Fritzl commented to a psychiatrist that " I was born to rape and I held myself back for a relatively long time" (Anon 2008) along with claims that he had been abused and humiliated by his mother as a child. The psychological trauma that Mr Fritzl claims to have experienced as a child may have influenced these actions at a later date, and providing the base foundations for his criminal behaviour. The fact that Mr Fritzl suggests that ' I was born to rape...' also directly addresses the biological part of this theory. Whether or not Mr Fritzl actually was '...born to rape', will most likely never be known. Nevertheless, the classical theory is limited in considering these other factors they may have instigated such criminal behaviour, and the positivist theory frankly gives notice to these factors.

In conclusion, the classical theory and its sub theories on criminal behaviour applies strongly to Mr Fritz's actions. Many of his behaviours that were made known by his confessions directly relate to this theory and its underpinning notions. Where the theory is limited is in attending to external forces such as biological and psychological factors. For that instance, the positivist theory may drawn upon to explain his criminal behaviour.