

Criminology theories - strengths and weaknesses



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The classical school of criminology was developed in the eighteenth century, where classical thinking emerged in response to the cruel forms of punishment that dominated at the time. It is considered that writers such as Montesquieu and Voltaire encouraged perhaps the emergence of this new 'classical' thinking, by becoming involved in campaigns for more enlightened approaches to be taken towards crime and the punishment given by the justice systems at the time. Also the development of society craved new forms of legal regulation due to the fact that there needed to be predictability in the system, as technology and properties in particular needed legal protection and workers needed to be disciplined in a consistent way.

There were two main contributors to this theory of criminology and they were Jeremy Bentham and Cesare de Beccaria. They are seen as the most important enlightenment thinkers in the area of 'classical' thinking and are considered the founding fathers of the classical school of criminology. They both sought to reduce the harshness of eighteenth century judicial systems, even though coming from different philosophical stances.

Bentham's contribution to 'classical' theory is based on the fact that he was a utilitarian, interested in the happiness and well being of the population and therefore believing that punishment, in the form of the infliction of pain, should always be justified in terms of a greater good. At the heart of Bentham's writing was the idea that human behaviour is directed at maximising pleasure and minimising pain, (the pleasure-pain principle).

Bentham believed that crime was committed on the outset, by individuals who seek to gain excitement, money, sex or anything of value to the individual.

Beccaria (1764/1963: 93) stated that; ' It is better to prevent crimes than to punish them'.

This is at the heart of the classical school of criminology. Beccaria believed that laws needed to be put into place in order to make punishments consistent and in line with the crime. He believed that crime prevention in its effectiveness is down to three main ideas, these being the certainty of the crime and how likely it is to happen, the celerity of the crime and how quickly the punishment is inflicted and also the severity of the crime, and how much pain is inflicted. Beccaria thought that the severity of the penalties given should be proportionate to the crime committed and no more than what is necessary in order to deter the offender and others from committing further crimes.

Classical thinking says that criminals make a rational choice, and choose to do criminal acts due to maximum pleasure and minimum pain. The classical school says criminals are rational, they weigh up the costs and therefore we should create deterrents which slightly outweigh what would be gained from the crime. This is the reason behind the death penalty being viewed by classical thinkers such as Beccaria and Bentham as pointless, because there would be no deterrent. However when considering manslaughter, as Bentham also believes, if the severity of the punishment should slightly outweigh the crime then surely capital punishment should be used, there

doesn't seem to be any stronger a deterrent to other criminals thinking of undertaking the same criminal behaviour, than seeing another eradicated due to their actions.

Classical thinking has had a significant impact on criminological thinking in general and perhaps a greater impact on criminal justice practise.

In Europe and America the idea of punishments being appropriate to the nature of the crime has become a foundation for modern criminal justice systems.

Since the introduction of the classical school of criminology and classical thinking, the use of capital punishment, torture and corporal punishment has declined. Neither Beccaria nor Bentham believed in the death penalty, apart from, Bentham argued, in the case of murder.

The second half of the eighteenth and nineteenth centuries also saw the establishment and growth of the prison, as a major system of punishment, the idea and concept of prison was to take punishment away from the body and instead punish the mind and soul, and these are the keys to changing a person's outlook and views of their criminal behaviours.

Many elements of classical ideas are very useful in modern society and these show the strengths that the theory does have. Deterrence continues to underlie all judicial systems and indeed underpinned the principles of the first commissioners of Sir Robert Peel, in the creation of the Metropolitan police. Prisons are also used as major deterrents and also to try and reduce rates of crime.

However a great weakness of the classical school of criminology is, the idea stemming from classical thinking that all criminals are rational is not generalisable to the whole population nor is it entirely valid, due to the fact that there may be biological factors stopping an individual from being able to think and behave rationally. Therefore it may not be the particular choice of the individual as they may have been born that way; they may not have the ability to make a rational decision due to a mental illness such as schizophrenia. They may be disorientated or even drugged which affects the brain functioning and therefore any behaviours, resulting in an individual becoming irrational. Also, if people act due to principles of rationality and free will then why is it that the poor are predominating in the criminal justice system, classical thought doesn't include factors of necessity in order to survive. As Jeffrey Reiman (1979) said; " the rich get richer and the poor get prison"

White and Haines (2004) said that the classical school of criminology has 3 main challenges to it. Firstly; how to make such ideas serve the interests of justice and equality when faced with a particular defendant in court. (Not all criminals appear to be acting rationally and of free will) Secondly; that for criminal justice bureaucracies such as the police, growing efficiency may not always be compatible with an emphasis on equal justice, as their gain is to decrease crime rates. Thirdly a power issue, the rationalisation of the legal system potentially means some reduction in their power, which may backfire in terms of being a deterrent.

In late 19th century the classical school came under criticism by a form of scientific criminology which emerged due to Darwin's great works being

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published between 1850 and 1870, this therefore had a profound effect on scientific thought and individuals views of human behaviour.

Classicism defines the main object of study as the offence. The nature of the offender was defined as being free-willed, rational, calculating and normal. The classical thinking response to the crime was to give punishment that is proportionate to the offence.

The Positivist school of criminology however opposes this classical school of thinking, positivism states that the object of study is the offender, and that the nature of the offender is driven by biological, psychological and pathological influences. Their response to the crime is that of giving a treatment of an indeterminate length, depending on individual circumstances.

Unlike classicism, positivism views criminal behaviour as irrational and perhaps due to a problem (biological, physical or psychological) that an individual has, therefore they are partially relieved of the crime they committed.

Cesare Lombroso is related to much positivist thinking, as a psychiatrist he looked at criminals as being throwbacks to a more primitive stage of human development, he compared physical features of criminals and related them to more primitive stages of mankind and formed a prediction based on measurements of skulls and main physical features, of how certain criminals look. Lombroso's thinking clashed with that of classical thinking, saying that criminals were born not made, and they are not rational as they reproduce thoughts similar to that of inferior humanity.

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The differences between the thinking behind both the classical school of criminology and the positivist school of criminology highlight the strengths and weaknesses that are associated with both. The classical school has much less biological fact and figures backing up its views, however it has proven successful in reducing crime rates and in providing a deterrent and a way in which to successfully contain individuals who rebel against the system.

Unlike positivism which doesn't have any form of punishment, just a form of treatment, the classical school shows criminals that they cannot behave in certain ways in order to maximise their pleasure and minimise pain if it involves breaking the law, it does this successfully because the punishment that is given is more than that of the pleasure that they would receive. Therefore as rational thinkers, individuals contemplating criminal behaviours would not do so due to the laws set in place to deter the behaviour.

However the main weakness of the classical school of criminological thinking is that it considers all criminals to be rational and make decisions by free will, but not all individuals are rational and not all their behaviours are free, as if an individual had a mental illness or a physical defect, this may totally change the way in which they act and think.

The social construction of crime has changed over time; feudal and religious influences have changed, and affected the criminological theory used.

When the Classical school developed it was in a time of major reform in penology, there were many legal reforms at the time due to the French revolution and the legal system was developed in the united states, which <https://assignbuster.com/criminology-theories-strengths-and-weaknesses/>

would have had an effect on the united kingdom making an increased effort to set laws on crime in stone.

As modernity has progressed so has the development of the judicial systems, if positivism was used as the main criminological thinking then these systems wouldn't exist because positivism uses treatments to the criminal in order to solve crime. This could be why the classical school of criminology has been so influential and still is, because it protects various organisations set out to remove crime and it also provides a good theoretical basis on which more recent theories have been developed.