

# Compare and contrast the classical and positivist school

[Education](#), [School](#)



Compare and contrast the ideas of Classical criminologist (e. g. Beccaria and Bentham) with those of the early Positivist (e. g. Lombroso, Ferri Garofolo).

## Introduction

During the mid to late seventeenth century explanations of crime and punishment were embraced by many philosophers Thomas Hobbs (1588-1679), John Locke (1632-1704), and Jean-Jacques Rousseau (1712-1778) and such theorist as Beccaria (1738), an Italian who was highly recognised by his great success through his essay 'Dei delitti e delle pene' (On Crimes and Punishment) publicised in translations of 22 languages, effectively leaving huge impressions on the legal thoughts on members of the European and US society (Hopkins Burke 2009), developing the theory of ' Classical criminology' and Lombroso (1835) an Italian psychiatrist and a physician who brought forth the theory of the ' Positivist's criminology'. This essay will present the two contrasting theories within criminology, these are ' the Classical' and ' the Positivist' theory of criminology, presenting a brief introduction to each school of thought with the theories and their theorist, comparisons will drawn presenting contrasts to each theory's principle, with their methodological, scientific and philosophical approaches to crime, with the same aim to reduce and control crime. Hale, C. , et al (2005 p. 62).

The school of thought ' Classical criminology' developed during the times of enlightenment through the ideas of a theorist named Cesare Beccaria (1738-94), who studied crimes, criminal behaviour and punishments, with beliefs that those who commit crime hold responsibility for themselves and are uninfluenced by external factors building the foundations for other successful

proponents and advocates such as Cesare Lombroso (1836-1909), an Italian psychiatrist aspirant who presented theoretical explanations to crime and criminality through scientific methodology adapting the contrasting theory of the positivist. Contrastingly, the positivist school believed that the decisions people make when committing a crime are principally affected by 'means' out of their control. These 'means' that affect an individual's condition to make rational decisions can be based on physical, that is for example their race, social, such as weak social bonds at school or the family, biological, that is having genetic abnormalities and psychological factors such as mental health disorders (Pond p. 23).. Through Beccaria's observational studies witnessed many discrepancies within the government and public affairs, and ostracized the inhumanity and inequality shown to individuals within society, where the punishment of crimes were judged on the social status of an individual (Hopkins Burke 2001). Beccaria believed the 'Criminal as Calculator' highlighting the importance that every criminal is an individual and is aware of what is good from bad, what is right from wrong, understanding definitions of criminal behaviour in society therefore each individual is competent in the calculations that he or she makes, presenting the notion of 'Free will Choice' and the 'Hedonistic Calculus' principle where the distinct actions of an individual are measured through a pleasure and pain scale, with this Beccaria made further contributions towards Bentham's theory of Utilitarianism (which is based on the assumption that the ultimate aim of all human activity is happiness), disputing that creating new legislations indicating that a clear law should set out which is easily deciphered by its societal members to understand and set by legislators,

Beccaria views that the prevention of crime is better than the punishment, however, punishment must be dealt with swiftly not limiting or exceeding what is necessary for the prevention and deterrence of crime, therefore resulting in the greater happiness of the majority (McLaughlin and Muncie, 2006), however there should be impartial judges fixing strict punishments in proportion to the seriousness of the crime, for example, petty crimes and theft should be dealt with fixed fines and penalties and more serious crimes administered with corporal punishment and labour (Hopkins Burke, 2009).

With this Beccaria developed further studies within the 'Social contract' theory, the voluntary agreement of the members of an organised society and its government securing mutual protection and welfare regulating the relation among its members, explaining that the previous methods of torture through capital punishment was unnecessary, he deemed these barbaric and inhumane, through this Beccaria began developing ideas that the crime itself should be dealt with efficiently not the criminal, thus the individual should be penalised for the crime committed. Each and every individual member of society whether an abiding member or criminal has equal rights and this always remains.

Beccaria's classical school of thought brought about scholars Bentham (1748) an English juror and philosopher who defensively argued that punishment should be a deterrent for criminals, that penalties be fixed to inflict the sum of pain in surfeit of the pleasure that had derived from the criminal act (Hale, Hayward Wahidin and Wincup, 2005) and Howard (1726) who was influential upon Prison reform (1779), However crime and criminal

behaviour continuing to present itself still necessitated explanations as to why crime was still on the uprise Lombroso provided foundations for many other proponents such as Ferri (1856), a biologist who wrote a new penal code for Mussolini which was instantly revoked due to his positivist approach and Garofalo (1852). Conclusion References Hopkins Burke, R. (2009) An Introduction to Criminological Theory, (3rd ed. ) Cullompton, Devon: Willan Publishing Hale, C., Hayward, K., Wahidin, A and Wincup, E. (2005) Criminology, Great Britain: Oxford University Press