

What are the key differences between positivism and classicist approaches to crim...



Crime can be defined as “ an illegal act or omission prohibited and punishable by law.

“ 1 Initially definitions of crime may seem clear-cut and uncontroversial, however on closer examination all is not as straightforward as it seems. In *The Problem of Crime*, Muncie and McLaughlin question the accuracy of dictionary definitions implying that these pose questions rather than providing answers. They suggest “ to appreciate fully the complexities of the question, ‘ what is crime? we need to broaden our enquiry to include some understanding of criminal law, social mores and social order. ” In today’s society crime is an ever-growing concern for all including ordinary civilians and those in power. Escalating levels of crime indicate that action must be taken to resolve this issue.

Theorists in both the social and criminal field have provided answers for causes of crime in order to prevent it and discourage individuals in society who may have the propensity to carry out criminal acts. An analysis of the two leading theories in this field, the positivist and the classicist, focusing on the key differences between the two approaches will assist in concluding on which of the two approaches will succeed in becoming the focus on crime prevention policies. The aim of the criminal justice system is to provide accurate and equal policies of controlling and deterring individuals from crime. The theories of classicism and positivism are the most widely mentioned in this field, they attempt to provide an explanation of crime and its causes.

Classical criminology is associated with the Italian Cesare Bonesana, Marchese de Beccaria and positivist criminology is commonly related to Lombroso. The positivists see criminals to be reversions to earlier evolutionary periods, and to earlier levels of organic development. Lombroso hinted at a large number of ' environmental influences,' insisting individuals are predetermined by their biological makeup. According to this theory human nature is somewhat the cause of criminal activity. Lombroso outlined three categories of criminals: those that are born criminals, insane criminals and criminaloids. The major shortcomings of Lambrosian theory can be summarised as, the failure to have variety and creativeness, denial of individual activity and imposing limitations on the scope of agency in crime.

Crime is viewed as abnormal rather than a development from other social factors. It also fails to identify " why men commit more crime than women. "

2 The strengths of positivism include successful recognition of the importance of individual behaviour in crime. Penology and the treatment of criminals in the administration of justice has developed considerably due to the constitutional factors outlined in positivism, implying emphasis on social issues.

A contrasting theory is that of classicism, where Beccaria begins with the notion of the free-will rationale. Classicism claims individuals make rational choices out of free will. Therefore everyone in society is a potential criminal. Beccaria " objected especially to the capricious and purely personal justice the judges were dispensing and to the severe and barbaric punishment of the time. The view is that all individuals conclude on whether or not they should commit a crime whilst weighing up the odds of the difficulty of

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committing the crime or the threat of punishment. There are numerous drawbacks to the theory such as the issue of equality and poverty.

The idea of reform is completely disregarded, there is also a failure to recognise stigmatisation and a heavy reliance falls on punishment.

Fundamental differences can be identified between the two theories. The definition of crime provided is the essence of any crime prevention strategy. The classicists and the positivists disagree on this very basic matter.

Beccaria states crime to be ' what violates the social contract, concentrating on the act, rather than the person who performs it. ' Lombroso however has argued for a wider definition claiming that legal definitions are restricted and an untrue reflection of true consensual values. Contrasting views of human nature can be found as the classicist view is based on free will. An individual acts solely from a decision, which highlights their self-interest rather than societies. Man is always responsible for every one of his acts, for the sole reason that he lives in society, and for as long as he does. " (Ferri 1928) The positivist theory however rejects the concept of free will, asserting that human nature ultimately depends on individual circumstances.

" He who is born with weak social instincts runs more danger of becoming criminal. But the certainty that he will become such does not exist - that depends on the environment. " (Bonger 1936) Each human being is subject to their individual nature and circumstances so equality in society is non-existent and free will is restrictive. The causes of criminal behaviour are based on factors, which " may be biological, others psychological and still others social. " 4 The principles of positivism have been highly influential on

the criminal justice system. The positivist theory lead to an emphasis being placed on social factors that encouraged the growth of criminology and the social sciences.

Positivism strongly infers that causes of crime can be corrected once identified. Classicists believe the law is culpable for the basis of crime and claim deprived laws play an important role. It has been inserted that criminals are not predetermined but make rational calculations of the benefits and detriments prior to commission of the crime. " Crimes are seen as the outcome of a rational decision to follow ones own interests rather than those of society in general. " 5 The positivist theory has a separate reasoning on the cause of crime.

They consider that under socialisation and inconsistent social interaction including family background are accountable. The positivist theory considers society to be based upon meritocracy whereas classicists deem the social order to be a contract and imply the role of the state is limited. The statistics of crime pose disagreement between the theorists as the classicists are in agreement with official statistics whereas positivists question the quality and accuracy of the information provided. They purport that the officials base their information on incorrect legal definitions. In order for any theory to be completely successful it is essential for it to conclude on an answer for the question being discussed.

In this case both theories must provide a systematic and practical crime prevention strategy. Beccaria supports stricter penalties rather than treatment and reformation working towards punishment as the answer. The

positivists suggest judges view cases from a social and scientific angle and treatment is favoured rather than punishment, interventionist policies are looked highly upon. Popular politicians are heralding towards a positivist view, " Mr. Blunkett also promises greater community involvement. " 6 He has outlined the need for further implementation of reforming policies rather than an increase in prisons.

Positivism clearly favours control and it is a lack of this, which is believed to contribute to the escalating number of crimes. It is evident that both the classicist and the positivist theories play an important part in crime prevention. However for the benefit of the question only one can be successful in becoming the focus of crime prevention policy. The differences between both theories as highlighted above are great in number and equal in importance.

The key differences including the definitions of crime, the reasons as to why crime occurs, human nature and proposed solutions. Although the classicism approach may be easier to implement it is not necessarily the best answer. Harsher punishments may not be an effective deterrent. They may in fact have the opposite effect.

This theory seems to be obsolete whereas the positivist theory is clearly more understanding for society today. Although it may be more challenging, attempts to reform individuals committing crime should be made rather than severely punishing them. Therefore positivism should ultimately form the focus of crime prevention policy as it holds the stronger argument.