

Lombroso and beccaria: theories of crime



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Criminology is the study of crime, from what causes crime to what could or does prevent it. The ideas which form the topic of criminology come from key thinkers in the area who come up with theories and carry out research to try to find evidence to support their claims. These thinkers can be influential in bringing about changes in areas such as the legal or prison systems. Two hugely influential thinkers in the area of criminology are Cesare Beccaria and Cesare Lombroso who have expressed views and formulated many theories which come under the category of criminology, from ideas on offenders to how they should be punished.

Cesare Beccaria (1738-1794) belonged to the classical school of criminology which refers to the work carried out in the 18th century enlightenment period which would have followed utilitarian and social contract philosophy. Beccaria was part of an aristocratic Milanese family in Lombardy and went on to complete a law degree at the University of Pavia in 1758. Although Beccaria was an Italian economist and not a criminologist as criminology as we know it today was not 'invented' until the 19th century (Hayward, Maruna & Mooney, 2010).

Cesare Lombroso (1853-1909) came along after Beccaria and is often considered the 'father' of criminology and, unlike Beccaria he belonged to a different type of criminological 'school', the positivist school of criminology which uses more scientific approach to studying the social science, using methods from the natural science such as systematic observation, accumulation of evidence, objective facts and deductive framework. Lombroso trained as a physician in Northern Italy and served 4 years in the Army where he started his observations of individuals, he later went on to

become the director of different asylums in regions of Northern Italy where he went on to further observe individuals becoming specifically interested in what he referred to as 'primitive peoples' (Hayward, Maruna & Mooney, 2010).

In the 18th Century Beccaria was the first to offer an explanation for crime and criminal behaviour. Strongly influenced by the philosopher Thomas Hobbes, Beccaria believed that we are hedonistic beings that look out for our own self-interest, by calculating the pleasure or pain that will result from an action to decide whether to do it or not (Hayward, Maruna & Mooney, 2010), which could lead an individual to commit crime if they believe that the resulting pleasure will outweigh any pain that may arise from the action. Due to this Beccaria also suggested that offending is a choice made out of free will from rational individuals just like those who choose not to take part in criminal behaviour.

However, Lombroso offers a different opinion on offenders. Lombroso was strongly influenced by Charles Darwin and his theory of evolution and believed that offenders were throwbacks to earlier forms of humans. Lombroso believed that those who commit crime were atavistic, a term he developed for those who were not fully evolved and more 'primitive' than non-offenders (Hayward, Maruna & Mooney, 2010). It was the atavistic nature of the individual which Lombroso believed was the reason the individual became a criminal. Lombroso even believed that if these these individuals were throwbacks of from previous stages of evolution then they should have differing physical and physiological characteristics from 'normal' individuals which he referred to as a stigmata, Lombroso suggested <https://assignbuster.com/lombroso-and-beccaria-theories-of-crime/>

that characteristics such as supernumerary fingers or toes, larger jaws or ears, an insensitivity to pain, etc were indicative of an atavistic individual (Mazzarello, 2011). Lombroso examined and documented many criminals and suggested that he found these characteristics in each of them including Giuseppe Villella, an Italian criminal said to be similar to the notorious English serial killer Jack the Ripper, who Lombroso performed an autopsy on and upon examination of his skull and brain found similarities between it and that of less evolved primates, which for him supported his theory that criminality is the result of being less evolved than the 'normal' individual (Lombroso, 1872-1944.). Thus instead of criminal behaviour being the result of free will like Beccaria proposed, Lombroso believed that criminal behaviour has a deterministic element. While this theory was met with some scepticism in Europe, Lombroso was hugely influential in America, but this also had a negative side to it as suggesting that criminals can be identified by physical characteristics could lead to certain individual with such characteristics to be singled out even if they have not committed a criminal offence or been found guilty of a crime.

Lombroso went on to develop his ideas and proposed that there are different types of criminals. Some examples of the types of criminal Lombroso suggested there are, are the born criminal, the insane criminal, criminaloids and criminals of passion. Firstly, born criminals, a term which was actually first used by a student of Lombroso's Enrico Ferri, this type of criminal only makes up about a third of the criminal population but often commit the more serious crimes (Lombroso, 1872-1944.) and as outlined above is categorised presented with characteristics indicating an atavistic nature but Lombroso

also believed that this type of criminal presented with epilepsy and was not morally intelligent. Secondly, the insane criminal, Lombroso suggested that this type of criminal was not a criminal since birth like the previous type but had become a criminal due to some kind of physiological change which affects their morality making them unable to “ discriminate between right and wrong” (Lombroso, 1872-1944., p 75). Examples of criminals in this category include those who are kleptomaniacs, nymphomaniacs, habitual drunks and child abusers. Another type of criminal outlined by Lombroso are criminaloids which have few of the atavistic characteristics or stigmata even though they are a form of born criminal they are not as threatening as those who fall into the category of the born criminal. However, they do present with different stigmata that born criminals do not such as early baldness or greyness. Although the real difference between born criminals and criminaloids is there differing psychological traits. The main difference being that the criminaloid individual starts offending later on in life and will always have a reason behind the offence (Lombroso, 1872-1944). The last example, criminals of passion, categorises those who commit crimes because they are “ urged to violate laws by a pure spirit of altruism” (Lombroso, 1872-1944., p118) they are not at all like the other types of criminals as they only commit crimes out of the best intention and are characteristically good. The physical characteristics of the criminals of passion are often attractive and gentle while their psychological traits are that of an excessively good, holy individual (Lombroso, 1872-1944).

Another negative with the work of Lombroso is that he may have “ detected potential Hydes in distinguished Jekylls” (Saturday Review of Politics,

Literature, Science and Art, 1909) by over emphasising finding certain characteristics in individuals and generating the hypothesis that everyone with such a characteristic will be or is a criminal.

Beccaria differing belief, that an individual chooses to commit crime, lead him to believe that for society to be sustainable such a choice should be met with a punishment and so in 1766 Beccaria published an essay entitled ' on crimes and punishments'. Within this essay he expressed his ideas on criminal behaviour and what should happen to those found to have broken the law. Briefly put Beccaria believed that punishment of crime should be inevitable, consistent, proportionate and swift if it is to deter an individual from committing crime. By inevitable Beccaria means that if an individual is found to have committed a crime there should be no question as to whether they should or will receive a punishment as Beccaria believed that the certainty of a punishment had a deterrent effect regardless of the severity of the punishment (Newburn, 2009.). By consistent he means that everybody regardless of class, ethnicity or gender should be given the same punishment for the same crime, so that certain individuals don't believe that they can " count upon arbitrary leniency from judges" (Hayward, Maruna & Mooney, 2010, p. 5). By proportionate Beccaria believed that the punishment should fit the crime, this means that punishment should not be too excessive just for the sake of revenge as the " severity of the punishment should only be sufficient to as a deterrent" (Tierney, 2009., p. 46). In order to be a deterrent of criminal behaviour Beccaria also believed that punishment should be swift, this means that the punishment should be delivered quickly and not be delayed.

Beccaria also expressed his ideas on judicial torture and the use of the death penalty as a punishment for criminal behaviour. Beccaria believed that both were wrong as they went against natural rights theory. In regards to torture, he believed that it is wrong because if the individual who is being tortured is physically or mentally weaker they are more likely to confess to something they didn't do and may implicate another individual who is also innocent. This led Beccaria to proposition that if torture is the way of determining an individual's guilt or innocence then a mathematician would be better at deciding this than a judge due to them being able to predict or theories the amount of torture a certain individual may be able to cope with before confessing (Hostettler, 2011.). In regards to the death penalty, Beccaria was the first person of that time to publicly criticise the killing of an individual as a means of punishment for a crime. He believed that the state had no right to take another's life because while Beccaria believed in social contract theory (that we give up certain freedoms to an authority in return for some kind of protection) he believed that no person would hand over the right to live for the protection offered. Beccaria also believed that the death penalty was not a sufficient deterrent to stop other people from committing crime, which for him was the primary role of a punishment leading him to the opinion that the punishment of death for a crime " is not only immoral, it is useless" (Hostettler, 2011., p. 55). However, although Beccaria held this belief he did allow for an exception to be made due to one of two reasons, either the individual still poses a risk to the outside world while imprisoned, or when the death penalty is seen as the only means by which to deter others from committing such a crime (Beccaria, 1764.).

Lombroso also held a differing view on punishment and the death penalty to that of Beccaria's. Lombroso believed that when an atavistic individual commits a crime " society has the right to defend itself from this kind of delinquent" (Mazzarello, 2001., p. 983) this includes a belief in the death penalty which Beccaria was strongly against, even though Lombroso believed that criminality was not a choice but determined as individuals were born criminals due to the argument that " man defends himself from wild animals without blaming them for not having been born lambs" (Mazzarello, 2001., p. 983). However, Lombroso and his theory of the insane criminal was influential in changing how those deemed ' insane' were dealt with in the Italian justice system as " measures were developed for the mentally incompetent dangerous offender" (Ramsland, 2009).

Although Beccaria and Lombroso have many differing views and theories in the study of criminology and belonged to different schools, they were and still are strongly influential in reforming the justice and penal system. For example Beccaria ' s ideas from ' On Crimes and Punishments' have been " incorporated into the United States constitution" (Hayward, Maruna & Mooney, 2010., p. 7) and Lombroso's idea that we have free will to choose whether to take part in criminal behaviour can still be seen in more recent free will versus determinism debates (Hayward, Maruna & Mooney, 2010).

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