

# The difference between classical and positivist understanding



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White & Hanes, (2008) the growth of ancient theory demonstrates that classical and positivist schools of criminology are a current approach to dealing with criminal acts. The main idea of the two key schools is to create sufficient approaches to stop deviant behaviour that are considered to be most dangerous to society. Although the purposes of both approaches added to the reasons of criminal activities, both the schools present opposite philosophies to explain deviant behaviour White et al., (2008). Throughout this essay we will be discussing the key differences between classical and positivist understanding of crime in relation to the ideas suggested by the theorists of each approach.

The classical school of criminology was invented in the eighteenth century during the enlightenment era (White et al., 2008). (Walters & Bradley, 2005) states that nasty punishments which occurred in Europe were out-shadowed by the introduction of this idea because it recognized an unexpected civil change, and hence providing an important explanation for the criminal code in western civilizations. The key concern of the classical theory was therefore to increase the unfair disputes linked with the criminal justice system explains Gottfredson & Hirschi, (1990). Introduction of classical theory also forced the rule of law and individual dignity, thus criminals were no longer exposed to retribution without originally being convicted by a legal judge in court (Walters et al., 2005). Cesare Beccaria, usually known today as the father of classical theory, along with well-known theorist Jeremy Bentham, was the legal reformers to begin this justice system in which all members of the social order were offered equal rights Burke, (2005). In his book, ' On Crimes and Punishment', Beccaria demonstrated the main significance of

humanising and rationalising law in order to make righteousness more realistic (Beccaria, 1767). Beccaria (1767) not only suggested the removal of judicial discretion, but he also renowned the clarification of law by the judiciary provoked discretion (Beccaria, 1767). Additionally, the other important donor to classical theory, Jeremy Bentham, gave rise to the idea of 'utilitarianism' – "the greatest good to the greatest number" (Siegel, L. 2004, White et al., 2008). By this theory, he explained that lawmaking must aim to please the majority of individuals in society (White et al., 2008).

In comparison, positivism understanding of crime was introduced throughout the nineteenth century in Europe. The main theorists behind this school were Cesare Lombroso, Raffaele, and Enrico Ferri states Garofalo Gottfredson et al., (1990). White et al., (2008), explains that positivism developed throughout an era of social and political turmoil in Italy White et al., (2008). At the same time the main idea of classicism was to change the legal system, the key purpose of positivist school was to apply a scientific technique to control criminological explanations of crime (Burke, 2005). As an outcome, positivist theorists were concerned with the sociological, psychological, and biological where the major causes of criminal behaviour (Walter et al., 2005). (White et al., 2008) states that the creator of positivist theory, Cesare Lombroso, recognized that offenders express abnormal behaviour due to their heritable makeup, and thus established a biological difference among non-criminals and criminals. Lombroso was influenced by Darwin's theory of evolution, and so believed that criminals had bodily characteristics that were indicators of an atavistic person i. e. a person who is similar to physical features of primal ancestry (Moyer, 2001). As an

outcome, Lombroso suggested that criminals were born, and not impacted by ecological/environmental and social factors (Walter al., 2005). The second modification of positivism is the mental/psychological influence, that is based on the understanding that human mind is accountable for the movements of crime thereby this develops the idea of 'criminal mind' (Moyer, 2001). Additionally, the sociological concept of positivism clarifies that crime is typically a socially assembled occurrence that requires to be controlled in a given society explains Gottfredson et al., (1990). Enrico Ferri was a scholar of Lombroso, who examined social and economic influences that inspired criminals (Gottfredson et al., 1990). His goal was to increase social conditions and defend society from criminal predation (White et al., 2008). Raffaele Garofalo was the other theorist of positivist school who suggested criminals as a virus in society, and thus announced the idea of life locking up and removal of criminal (Gottfredson et al., 1990).

The theory of classicism implemented the idea that individuals are free-will, and so have the capability to make choices between the different types of behaviour (White et al., 2008). This idea endorses an important view that if an individual is free to choose their individual actions, they must also admit the significance of their choices (Walter al., 2005). Walters and Bradley (2005) clarified that the free-will of an individual allows them to control the benefits and risks of committing a crime (Walter al., 2005). Thus, criminals freely select to commit a crime with full knowledge concerning the cost and benefits of their behaviour. Rational choice theory is also an important principle of classicism that intensely highlights the concept of free-will and human rationality (Gottfredson et al., 1990). This idea clarifies that people

choose their behaviour based on useful calculation of pain and pleasure i. e. offenders select behaviours that offer happiness and stay away from pain (Burke, 2005). Equally, positivism is based on deterministic theories which clarify that all events are caused by inner or outer factors that are beyond a person's control (Gottfredson et al., 1990). As an outcome, this removes the view of free-will and concludes that the offender had no choice prior to committing a certain crime (Moyer, 2001). Furthermore, positivist school of criminology stresses that behaviour is determined by sociological, psychological, and biological factors which are also beyond an individual's control; hence this concludes that crime is not perceived as a choice (Gibbons, 1979).

As stated before, classical theory observed crime as a choice; therefore, the criminals had to accept the responsibilities of punishment (Walter et al., 2005). As a result, the inevitability rather than the brutality of punishment imposed a deterrent effect among crooks in classicism school (Gottfredson et al., 1990). This reduced the odds of criminals to reoffend. According to classical perspective, sentences were applied alike by the law to all offenders who committed the similar crime. Also, classical theorists debated that criminals did not need to be killed for a serious crimes, and thus believed that people would not commit a crime if the punishment was certain and swift (Mcshane & Williams, 2008). In contrast, positivists discussed that crime was not a choice, so criminals were not held accountable for their criminal actions (Burke, 2005). Additionally, the positivist school highlighted that because crime was a form of a disease, criminals had to be treated, rather than disciplined by law (White et al., 2008). Yet, in an event of a born criminal,

removal and continuous imprisonment was considered the practical option (White et al., 2008). Also, because different criminals were driven by different factors, there had to be a variety of variable treatments offered to the offenders (Walters et al., 2005). Therefore, positivism showed a broader range of crime response and presented unknown sentences which enabled criminals to make rehabilitative development; as oppose to classical theory, which mainly trusted on fixed and determinant sentences (White et al., 2008).

Classicists perceived no major difference between criminals and non-criminals. This school observed all individuals as equally when it came to the amount of committing a crime under a specific situation (White et al., 2008). But, there was a line of distinction drawn between criminals and non-criminals in positivists school (Walters et al., 2005). Theorizers of this insight debated that there was a variation between normal and deviant behaviour, and thereby crimes were committed by offenders who were higher class in one way or the other (White et al., 2008). Positivists acknowledged criminals by numerous physical characteristics. For instance Lombroso introduced physical stigmata's that described a 'born' criminal (Gibbons, 1979). Criminals were therefore described to have an irregular head shape, a receding chin, large ears, a low forehead, jutting teeth, protruding jaw, abnormal large amount of figures and deformities of the eye (white et al., 2008, Gottfredson et al., 1990). Furthermore, Lombroso presented the idea that offenders could be distinguished from non-criminals by atavism. This was linked to the idea that criminals have not completely evolved from apes hence, they constitute a lower form of life (Moyer, 2001).

Although these theories have so many advantages, at the same time it also has many disadvantages. These disadvantages may be very little but it also has an impact on the outcome of the theory. Howard Becker challenged the positivist theory and argued the fact that the “ scientific inquiry” must firstly agree to qualitative statement about crime (Becker, 1963). He also argues that scientists do not bother looking at the labelling process of criminals, the fact that different social groups define criminality to be different, and scientists must also acknowledge the morals of the social groups making the authority to punish criminals in that society, so far positivism is purely dependant on crime stats argues Howard Becker

To conclude we have seen two major schools which has had a great impact in the criminology department, these school have been invented to prevent crime from occurring and to identify criminals and no vn-criminals. The two schools which we have seen are; Classical theory was introduced in the 18th century during the enlightenment period by the theorist Cesare Becarria and Jeremy Bentham. Prior to the introduction of classical criminology, the law system was brutal and unfair; thus, the main focus of classicist was to legalise the justice department and create the same lay system for the general public (White et al., 2008). The concept was not interested in how and why crime were committed rather just a perfect justice system. This also included the concept of free-will means that people had the right to do whatever they want. Gottfredson et al., (1990) on the other hand positivist school which was introduced in the 19th century by Cesare Lombroso, Raffael Garofalo and Enrico Ferri. The key idea behind this theory was to use scientific methods to understand criminality and crime. This theory believed

that behaviour was caused by psychological, biological and social factors which are out of our control. The major difference between the two theories is that the classical school is mainly based on free will and suggests that crime is a choice, whereas positivist criminology argues that crime is not a choice.