

# Of crime and punishment



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Any account of the development of criminology should begin by looking back to Europe in the late 18th century. This was a time of great social upheaval and change. Science was beginning to be a new force and, for the first time, it began to challenge the doctrines of established religion in seeking to explain social phenomenon including crime and deviance.

Up until this point any thoughts or discussions on crime and deviance had mainly centred on the Christian church's belief that criminals were no different from 'ordinary' people, but that their deviant behaviour was merely evidence of man's inherent 'sinful state'. Beccaria's book 'Of Crime and Punishment' published in 1764, was one of the first books to attempt to analyse criminal behaviour using this new scientific approach. He wrote a critique of the existing legal systems claiming that they were unfair. He said they were unfairly biased towards privileged members of society. He was also one of the first to suggest that punishments should be appropriate to the crime committed and claimed that this would help 'rational' people to make decisions not to commit crime.

In a way this idea can be seen as a precursor to some psychological theories, for example those that discuss reinforcement and conditioning. Since then, there have been many different theorists and theories. These can be broadly categorised into individual theories and social (or environmental) theories. These categories can each be broken down further into many other theories.

One of the first individual theories proposed was a biological theory put forward by Cesare Lombroso (1836-1909), an Italian doctor who worked with

(amongst others) the army in the late 18th century. He published 'On Criminal Man' (1875) in which he claimed that it was possible to distinguish between criminals and non-criminals by looking at their physical make up. Taking his ideas from Darwin's theory of evolution, Lombroso claimed that criminals were less evolved than 'ordinary' people, he called this state being 'atavistic', meaning less evolved. He said that there were four classifications of criminal. He described these as; Born criminals – who he claimed were easily identified by their 'physical atavistic characters', insane criminals – he included in this group people who were 'idiots, paranoiacs, epileptics and alcoholics', occasional criminals – those who committed opportunistic crimes but still possessed 'innate criminal traits' and criminals of passion whom he claimed were motivated by 'anger, love and honour'. (Introduction to Criminological Theory, 2001).

As well as biological theories there have been psychological theories proposed in an attempt to explain criminal behaviour. One of these was suggested by John Bowlby (1953), who conducted a study involving 44 juvenile thieves, comparing them to a group of 44 juveniles who had no criminal record. He found that 17 of the 44 thieves had been separated from their mothers for a period of more than 6 months before they reached the age of 5, while only 2 of the other group had had such a separation. Bowlby concluded from this that offending may be caused by an interruption of the attachment process between an infant and its mother (or primary caregiver) during the infant's formative years. He called this his 'maternal deprivation hypothesis' and claimed that 'emotional deprivation' and disturbance to the normal attachment process will have an adverse effect on normal social

development which, he claimed, would lead to criminal behaviour in later life.

(Psychology for AS Level, 2003). While both theories discussed previously are ‘individual’ theories of crime, there are also many ‘social’ theories, which look, not at the individual, but at society as a whole to try and explain what role it may have in creating crime and criminals. One of these social or environmental theories is Durkheim’s functionalist theory of criminology. Durkheim claimed that there is crime in all societies and that it is in fact ‘an integral part of all healthy societies’ (Durkheim, cited in Haralambos, 2004). He said that it is actually healthy to have some level of crime as, by looking at and defining crime, society can establish and enforce what it defines as right and moral.

By helping to establish moral boundaries in this way, crime enables society to reinforce their sense of shared morals and promotes ‘cultural norms’ (An introduction to Criminological Theory, 2001). Durkheim wrote that in societies where there has been a social shift from ‘mechanical solidarity’, that is, people living and working on the land, with small, tight-knit communities that are very alike and where everyone share the same morals and standards, to ‘organic solidarity’ which is industrialised, big city living, there is likely to be an increase in crime levels. He explained that this would be caused by people losing their structured and rigid moral boundaries. They would no longer be constrained by a clearly defined sense of shared ‘norms’ and values.

He called this state 'anomie' or 'normlessness'. While Durkheim's theory is a consensus theory, there are others which are classed as 'conflict' theories. These are often based on Marxist thinking. The basic premise behind Marxist theories of criminology is that class division in society is the major cause of, and explanation for, crime. Marxist theories are those that look at economic reasons for crime, they start by claiming that those who own the 'means of production' control the power in society. The ruling class are the ones who have the power and make the laws and they take advantage of this by creating laws which are designed to protect them, to the disadvantage of the poor.

They claim that capitalism encourages people to 'maximise profits', gain as much money as possible, think only of their own self interest and, as it is a competitive system, it will generate crime. (Haralambos, 2004). Marxist theorists acknowledge that crime exists in all of society, in all social classes, though they say that, generally, very different types of crime are being committed. There are those committed by the powerful, such as fraud, corporate crime and pollution, and those committed by the less powerful, such as robbery, shoplifting and vandalism.

They claim that even though those crimes committed by the powerful are more damaging they receive much less punishment than those committed by the less powerful. They also claim that when crimes are committed by the disadvantaged people in society it is done for reasons of 'subsistence' that is, they feel it is necessary because they cannot afford to buy the things they need, whereas the powerful are motivated by greed, something that is actively encouraged by capitalist society. Over the years there has been a

gradual shift from theories that seek to find the individual criminal responsible for their behaviours and deviancies to ones that look to society at large for explanations of crime and deviancy. We can see that each theory is a product of its time.

Each is influenced by other scientific ideas around at the time they were proposed. If we look at the theories that have been proposed in chronological order we can see how later theories often contain elements of previous ones. There has been clear scientific progress made in criminology over the last 150 years. It has developed from unscientific ‘common sense’ thinking into complex, highly organised schools of thought, with genuine scientific principles.