

# [The classical positive and chicago school](https://assignbuster.com/the-classical-positive-and-chicago-school/)

Figuring out why people commit crimes is one of the central concerns of criminology. Do most criminals act rationally after weighing the costs of crime? Is society ever to blame for an individual to commit a crime? Do mental diseases or even genetics factor into whether a person will live a life of crime. Over the years, many people have developed theories to try to answer these questions. In fact, the number of theories of why people commit crimes sometimes seems to equal the number of criminologists. I explore these questions and much more in the paper that follow.

The foundation of classical criminology is its central belief that individual criminals engage in a process of rational decision making in choosing how to commit crime (Williams & McShane, 2010). This view is based on two further assumptions: that individuals have free will; and that individuals are guided by hedonism, the maximization of pleasure and the minimization of pain. These ideas were important in that they shifted attention towards punishing people’s offending behavior rather than punishing the individual’s social or physical characteristics in and of themselves. This shift consequently had an enormous in¬‚ uence on changing attitudes towards punishment and towards the purpose of the law and the legal system.

Classical ideas about crime and punishment can be found in the works of a number of different writers. The writings of Cesare Beccaria (1738-94) and Jeremy Bentham (1748-1832), however, were especially in¬‚ uential. According to the emerging view of the social contract, humans originally lived in a state of nature, grace, or innocence and their escape from this state resulted from the application of reason. It was argued that there was an invisible relationship between the individual and the state. This relationship existed to prevent chaos. As a part of this relationship individuals gave up some of their liberties in the interest of the common good, with the purpose of the law being to ensure that these common interests were met. For Beccaria, this meant that the law should be limited and written down so that people could make decisions on how to behave. More importantly, punishment was to ¬t the crime not the individual and was to be certain and swift (Williams & McShane, 2010). Offenders were to be seen as reasonable people with the same capacity for resisting offending behavior as non-offenders. The guiding principle of the criminal justice process was the presumption of innocence; and in this general framework punishment was to be seen as a deterrent to criminal behavior. The central concern of the law and the criminal justice process was therefore the prevention of crime through this deterrent function.

Bentham’s concern was upon utilitarianism which assumes the greatest happiness for the greatest numbers. He believes that individuals weigh the probabilities of present and future pleasures against those of present and future pain (Postema, 1998).

It should be noted however that the classical school of thought has had an enduring in¬‚ uence as many legal systems are built on some of its key precepts. The idea of intent for example, emphasizes the importance of the state of mind of the individual and their capacity for making choices. Moreover notions of proportionality in relation to punishment, and equal punishment for the same kind, are clearly traceable to the ideas of classicism.

Despite these intellectual and policy interventions, crime was still becoming increasingly problematic (Williams & McShane, 2010). Consequently, as social conditions worsened for many sections of different societies after the Industrial Revolution, the idea of individuals being motivated by hedonism and free will lost some of its popularity. In its place a more controlled image of the human being was constructed; this image re¬‚ ected one of the ideas that contributed to the birth of positivism within criminology.

Many reviews of the development of criminology begin with reference to the in¬‚ uence of positivism. While the speci¬c meaning to be attached to this term is open to some debate, in the context of criminology it is usually used to refer to a scienti¬c commitment to the gathering of the facts that distinguish offenders from non-offenders in order to aid the process of understanding the causes of crime. It is this search for facts which most clearly describes one of the differences between this version of criminology and classical criminology. The other main difference between these two different versions of the criminal individual was the commitment of the early positivists to search for the cause of crime within individual biology rather than individual free will (Williams & McShane, 2010).

Cesare Lombroso (1835-1909) is frequently considered to be the founding father of criminology. Lombroso’s ideas about crime are clearly in¬‚ uenced by Charles Darwin’s ideas on evolution, which so challenged the religious principles of the nineteenth century. Most easily identi¬ed as an anthropologist, Lombroso embraced what was referred to as the law of biogenetics. This law articulated a particular view of evolutionary development in which it is believed that every individual organism revisits the developmental history of its own species type within its own individual history. The idea that every living organism, as it develops, undergoes each stage of its own species history provided a mechanism for explaining both the normal and the abnormal. This was achieved through the related concept of atavism. It was clear, even to those committed to Darwin’s ideas, that every individual member of a species type did not always possess all the characteristics of that species type; in other words, abnormalities were produced from time to time (Strasser, 1999). These abnormalities, it was argued, were a product of that individual member being a throwback to an earlier stage of the developmental history of the species: that is, atavistic (Williams & McShane, 2010). In this way the concept of atavism permitted the law of biogenetics to retain its universal status; abnormalities were explained as being reversions to an earlier species type. The idea of atavism appealed to the criminal anthropologists, especially Lombroso.

Lombroso assumed that the process of recapitulation usually produced normal individuals. Someone who became criminal, therefore, must constitute a throwback to an earlier stage of biological development- atavistic degeneration. For Lombroso, such biological degenerations manifested themselves in the peculiar physical attributes possessed by criminals- sloping foreheads, receding chins, excessively long arms, unusual ear size, etc.- resulting in the view of the ‘ born criminal’. This commitment to the biological origin of criminal behavior led Lombroso to classify criminals: the born criminal (true atavistic types); the insane criminal (including those suffering from a range of mental illnesses); the occasional criminal (opportunist criminals who commit crime because they possess innate traits that propel them in that direction); and criminals of passion (who commit crime as a result of some irresistible force) (Williams & McShane, 2010). For all these criminal types, their behavior is a result of their abnormality, determined by forces out of their control, rather than the consequence of freely chosen action. The legacy of Lombrosian criminology has been profound. While the notion of the ‘ born criminal’ might appear simple and naive in the early twenty-¬rst century, Lombroso’s commitment to a science of the criminal, and the search for a universal explanation of crime located within the individual, laid the foundation for much subsequent criminological work. Moreover, the search for the cause of crime within the individual and individual differences continued, although focusing on different biological and/or psychological factors. This has ranged from work on heredity and body type to the notion of a criminal personality. Latterly, this way of thinking about crime has become theoretically more sophisticated, with the biosocial theory, and has become technologically more complex (Williams & McShane, 2010).

Here, using advanced technology to construct images of the brain, the view that individuals are merely negatives waiting to be developed is beginning to reopen the whole debate about whether or not human beings possess free will and where and how an understanding of criminal behavior might be situated. Thus the tension remains between classical and positivist views on the nature of human beings. Each of these ways of focusing on the behavior of the criminal carries with it different policy implications. As was suggested earlier for the classical criminologist, if individuals had a calculative, hedonistic approach to crime, then the purpose of the criminal justice system was to punish in order to deter them from committing crime (Williams & McShane, 2010). For the positivist, by way of contrast, if individuals’ criminal behavior is to be understood as being determined by their biological and/or psychological make-up, then the purpose of the criminal justice system is either to incapacitate them or, if appropriate, to offer them treatment until they are no longer a threat to society. In more current policy debate the in¬‚ uence of these different ways of thinking about and using the criminal justice system is still evident, standing as some testimony to the importance of these ideas. Positivistic approaches to explaining crime are not only to be found within the search for the individual roots of criminal behavior. They are also to be found in much more sociologically informed approaches to criminology. These approaches take as their focus of concern the wider socioeconomic and cultural conditions which may or may not propel individuals into criminal behavior and it is these more sociologically informed approaches we shall consider under our next thematic heading: a concern with the criminality of behavior.

The concept of social disorganization emerges from the Chicago School of Sociology of the 1920s and 1930s. It re¬‚ ects one of two main strands of theoretical work emanating from Chicago which were to in¬‚ uence quite thoroughly the later development of both criminology and the sociology of deviance, namely, social ecology and symbolic interactionism.

The concept of social disorganization is associated with those theorists (Burgess, Park, Sutherland, Thomas) concerned to understand the social ecology of the city. Social ecologists drew parallels between the way in which it was thought living organisms maintained themselves and the maintenance of social life. In other words, just as it was possible to identify patterns in the processes of development and adaptation to the environment in the animal and plant world so it was possible to identify similar patterns in the growth and development of the city. This led theorists to suggest that it made sense to think of the city as a series of zones radiating from the city center, with each zone having different social and economic characteristics and the people living in those different areas adapting differently to those social circumstances (Williams & McShane, 2010). These general presumptions, when overlaid on the substantive data available about city life, led to a much more detailed appreciation of these differing patterns of adaptation. In particular, attention was focused on the zone of transition, the area nearest the city center. The zone of transition became the focal concern since this was the area in which new immigrants to the city settled (as it was inexpensive and near to places of work), but it was also the area that appeared to manifest more social problems (according to of¬cial statistics), from incidences of ill health to crime.

The manifestation of problems such as these was explained by the social ecologists as being the result of the breakdown of primary social relationships in this area, with the highly mobile and transitory nature of social life breeding impersonality and fragmentation (Williams & McShane, 2010). In general terms this theoretical perspective suggested that the processes of industrialization and urbanization create communities in which, as a result of immigration and subsequent migration, there are competing norms and values (D’Alessio & Stolzenberg, 2010). The consequence of this is social disorganization. It is within this general context that crime is most likely to occur. Through the notion of cultural transmission it was also argued that these ways of adaptation to different social conditions in the city were likely to be passed on from one generation to the next as new immigrants enter that part of the city and adapt to those social conditions. This way of thinking about and explaining the patterning of criminal behavior (as it was of¬cially recorded) was one of the ¬rst to consider the social origins of criminality as opposed to the individual roots of crime.

As a result, it not only in¬‚ uenced subsequent generations of sociologically informed criminological work, but also carries with it clear policy implications. In theoretical terms, the concept of social disorganization led later theorists to work in different ways with the interaction between social structure and the social production of norms and values. In policy terms, it has led to a focus on how to reorganize socially disorganized communities, to a desire to understand the ways in which the environment might contribute to crime (designing out crime), and to a concern with how general neighborhood decline (rising incivilities) might contribute to the crime career of a community, to name several recurring and contemporarily relevant policy themes. The extent to which this is a legitimate evidence-based policy concern is a moot point. Nevertheless, it is clear that the focus on the way in which social conditions produce social pathology is a common thread between the social ecologists and those who took up the ideas of strain theory.

It is hard for anyone to grasp the concept or be able to understand why people commit heinous crimes or engage in criminal activities. We as human beings are all capable of committing or engaging in delinquent behavior. What stands in the way of a person that makes them decided to engage in deviant behavior or to choose not to commit crimes at all? We may never truly know or understand the real reasons behind why certain people make decisions like these every day. Early philosophers and scientists looked carefully and dug deep into the criminal justice system and the behavior of criminals using theories to explain criminal behavior. With these views they were able to come up with multiple distinctive theories that explained different views on why people decided to commit crimes.