

CHAPTER 3

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3.1

INTRODUCTION: THEORIES OF CRIME

The field of criminology systematically studies the causes of crime. The explanations for crime are not simple; we live in a complex society, and the causes of crime are as complex as the society itself. As discussed in Chapter 1, the criminologist attempts to explore the conditions leading to criminal behavior and the factors in society that contribute to its continued existence. This chapter and those that follow explore a wide variety of theories regarding crime. These theoretical explanations contribute to an understanding of criminal behavior and also provide an important

framework for examining current policies and past as well as present treatment efforts established to deal with or alleviate the crime problem.

As shown in Chapter 1, theories are important for the development of political and social policies and treatment programs for dealing with criminals and their victims. Chapter 1 examined the three major criminological perspectives on the study of crime and criminal behavior: the functionalist or consensus perspective, the conflict perspective, and the interactionist perspective. Each perspective provides insight into the nature of crime and helps us to focus on different aspects or dimensions of reality. As this chapter extensively explains and analyzes crime and criminal behavior, you will see how elements of each of these perspectives are used to help us explain crime. This chapter focuses on what are considered to be the most important explanations for crime. In particular, this chapter

- contrasts early spiritual and natural explanations for crime (section 3.2);
- defines and analyzes the classical school of criminology (section 3.2);
- describes the contributions of Cesare Beccaria and Jeremy Bentham to the development of criminology and criminal justice (sections 3.3, 3.4);
- defines and analyzes the positivist school of criminology (section 3.5);
- describes the contributions of four positivist thinkers to criminology and criminal justice (section 3.5);
- identifies four present-day forms of classical and positivist theories (section 3.6).



3.2 TRADITIONAL EXPLANATIONS FOR CRIME

Attempts to explain crime date back through many centuries of recorded history. During the sixteenth and seventeenth centuries, for example, people who engaged in crime and other forms of deviant behavior were thought to be possessed by demons or evil spirits. Exorcism and banishment were among the treatments against crime. At the same time, victims of crime might view their loss as divine retribution for some wrong that they or a family member had committed in the past.

SPIRITUAL AND NATURAL EXPLANATIONS

Many traditional explanations for crime were based on beliefs in supernatural or spiritual powers or in laws of nature.

Spiritual explanations for crime were rooted in people's religious beliefs and superstitions. The guilt or innocence of a crime, like victory or defeat in battles or disputes, was believed to be decided by divine intervention. Cures for criminal behavior ranged from religious conversion to torture and death.

Natural explanations for crime were rooted in people's ideas about the nature of reality in the physical world. Ideas about reality were based on observations of nature but were not scientific. For example, the natural world was thought to include inherent good and evil, and crimes often were regarded as crimes against nature or the natural order rather than crimes against victims or against God. Seeking explanations for crime in the natural world provided a basis for the development of legal definitions and treatments of crime.



During the Salem, Massachusetts, witch trials of the late 1600s, women were condemned to death for "crime waves" caused by the devil. This "work of the devil" is an example of a spiritual explanation for the causes of crime. What are some other types of explanations in the history of criminological theory?

Spiritual Explanations for Crime

- Spiritual explanations of crime are part of a general view of life in which many events are believed to be the result of the influence of otherworldly powers.
- In the Middle Ages in Europe, feudal lords instituted methods by which they thought God could indicate who was innocent and who was guilty. The first such method was trial by battle, in which the victim or a member of his or her family would fight the offender or a member of his or her family. God was said to give victory to the innocent party.
- Somewhat later in history, trial by ordeal was instituted. In this method, the accused was subjected to difficult and painful tests from which an innocent person (thought to be protected by God) would emerge unharmed whereas a guilty person would die a painful death. For example, a common method of determining whether a woman was a witch was to tie her up and throw her into the water. If she sank she was considered innocent, but if she floated she was guilty. Other forms of ordeal included running a gauntlet and walking on fire.
- Trial by ordeal was replaced by compurgation, in which the accused gathered together a group of twelve reputable people who would swear that he or she was innocent. Again, the idea was that no one would lie under oath for fear of being punished by God. Compurgation evolved into testimony under oath and trial by jury.
- Our modern prison system originated in association with a spiritual explanation of crime. Around 1790, a group of Quakers in Philadelphia conceived the idea of isolating criminals in cells and giving them only the Bible to read and

(continued)

some manual labor to perform. The Quakers thought criminals would then reflect on their past wrongdoing and repent. They used the term *penitentiary* to describe their invention, a place for penitents who were sorry for their sins.

- Today, some religious individuals and groups still attribute crime to the influence of the devil and to sinful human nature.
- The problem with these theories is that, because spiritual influences cannot be observed, they cannot be proved. Thus these theories cannot be considered scientific.

Source: George B. Vold and Thomas J. Bernard, *Theoretical Criminology*, 3rd ed., New York: Oxford University Press, 1986, pp. 6–9.

Natural Explanations for Crime

FYI

- Natural explanations of crime make use of objects and events in the material world to account for what happens.
- Among the Greeks, Hippocrates (460 BC) provided a physiological explanation of thinking by arguing that the brain is the organ of the mind. Democritus (420 BC) proposed the idea of an indestructible unit of matter called the atom as central to his explanation of the world around him. With Socrates, Plato, and Aristotle, the ideas of unity and continuity came to the fore, but the essential factors in all explanations remained physical and material.
- In Roman law, the Hebrew doctrine of divine sanction for law and order merged with Greek naturalism to provide a justification based on the “nature of things.”
- Thus, the rule of kings by divine right became a natural law looking to the nature of things for its principal justification.
- Modern social science continues this natural emphasis; social scientists seek their explanations within the physical and material world.

Source: George B. Vold and Thomas J. Bernard, *Theoretical Criminology*, 3rd ed., New York: Oxford University Press, 1986, pp. 6–9.

THE CLASSICAL SCHOOL OF CRIMINOLOGY

The field of criminology began with the classical school of criminology. The classical school views human behavior as rational and assumes that people have the ability to choose right from wrong.

During the past three hundred years, a variety of scholars have developed important theories or explanations of crime. These writers have come from many fields. In the eighteenth and nineteenth centuries, they came from such fields as philosophy, theology, medicine, and psychiatry. In the twentieth and twenty-first centuries, many of these theorists have come from such fields as economics, psychology, political science, history, and sociology.

Writers from earlier schools of criminological thought were not primarily concerned with developing generalizations about crime, criminal behavior, and the relationship between varying crime rates and social conditions. Instead, most early scholars who developed theories about crime causation did so, as the criminologist Donald R. Cressey has stated, “in an attempt to

find a panacea for criminality.” He also indicated that early writers made few, if any, efforts to “verify the many theological or moralistic assertions by actually investigating relevant situations; writers usually selected a general ‘cause’ of all criminality and then sought to convince their readers that elimination of that cause would eradicate crime both by reforming criminals and by preventing future criminality.”¹

Even though writers and philosophers for many centuries have expressed interest in criminal behavior, criminologists have traditionally marked the beginning of the discipline of criminology with the establishment of the **classical school of criminology**, which purports that people rationally choose to commit criminal acts. The classical school of criminology was developed by Cesare Beccaria and Jeremy Bentham in response to the primitive and cruel European justice system that existed prior to the French Revolution of 1789. Basically, the eighteenth-century classical school

- viewed human behavior as essentially rational in nature;
- felt that people had the ability to choose right from wrong;
- believed that the major element governing a person’s choice of action was the basic human desire to obtain pleasure and avoid pain.

Leaders of the classical school about two hundred years ago proposed a number of legal and judicial reforms premised along these lines to curb the problem of crime in their day. These reforms included the imposition of penalties and deterrents severe enough to outweigh any pleasure encountered through the commission of a criminal act. It was thought that people would willingly refrain from crime once they had calculated that the penalties attached to it would exceed the pleasure involved in the act itself. Because factors far beyond personal calculation and motivation are involved in the manifestation of crime, however, proposals such as these had little effect on the crime problem.²

Before examining Beccaria’s ideas and contributions to criminology, you should understand that the classical school has its roots in the idea that people who commit crime choose to do so after weighing the consequences of their actions. Classical theory is based on the following three assumptions:

1. All of us have free will to make a choice between getting what we want legally or illegally.
2. The fear of punishment can deter a person from committing a criminal act.
3. The community or society can control criminal and noncriminal behavior by making the pain of punishment and penalties more severe than the pleasure from criminal activities and their gains.

According to the **classical school of criminology**, human behavior is rational, people have the ability to choose right from wrong, and people rationally choose to commit criminal acts.

After reading this section, you should be able to

1. explain the basis of spiritual explanations for crime and treatment of criminals;
2. explain the basis and effects of natural explanations for crime;
3. give historical examples of spiritual and natural explanations for crime;
4. describe the origins of the classical school of criminology;
5. list the basic assumptions on which classical theory is based.

3.3

CESARE BECCARIA

Cesare Beccaria, a major contributor to the classical school of criminology, was born in Milan, Italy, on March 15, 1738, and died in 1794. Born an aristocrat, he studied in Parma and graduated from the University of Pavia.³ In 1763, the protector of prisons, Pietro Verri, gave his friend Beccaria an assignment that would eventually become the essay “On Crimes and Punishments.” It was completed in January, 1764, and first published anonymously in July of that year. The article caused a sensation, but not everybody liked it. The fact that it was first published anonymously suggested that “its contents were designed to undermine many if not all of the cherished beliefs of those in a position to determine the fate of those accused and convicted of crime. . . . [An] attack on the prevailing systems for the administration of criminal justice, . . . it aroused the hostility and resistance of those who stood to gain by the perpetuation of the barbaric and archaic penological institutions of the day.”⁴

EIGHTEENTH-CENTURY CRIMINAL LAW

Cesare Beccaria, a major contributor to the classical school of criminology, responded to eighteenth-century criminal law, which was repressive, uncertain, and barbaric.

To understand why Beccaria’s essay created such controversy, one need only consider the state of criminal law in Europe at the time. Eighteenth-century criminal law was repressive, uncertain, and barbaric. It also permitted, as well as encouraged, abusive and arbitrary practices. The law gave public officials unlimited power to deprive people of their freedom, property, and life with no regard to principles embodied in the concept “due process of law”:

Secret accusations were in vogue and persons were imprisoned on the flimsiest of evidence. Torture, ingenious and horrible, was employed to wrench confessions from the recalcitrant. Judges were permitted to exercise unlimited discretion in punishing those convicted of crime. The sentences imposed were arbitrary, inconsistent, and depended upon the status and power of the convicted. . . . A great array of crimes were punished by death not infrequently preceded by inhuman atrocities. . . . In practice no distinction was made between the accused and the convicted. Both were detained in the same institution and subjected to the same horrors of incarceration. This same practice prevailed in regard to the convicted young and old, the murderer and the bankrupt, first offenders and hardened criminals, men and women. All such categories of persons were promiscuously thrown together, free to intermingle and interact.⁵

psst!

Cesare Beccaria focused on eighteenth-century law; social contract theory; guilt and punishment; punishment, pleasure, and pain; and the purpose of punishment.

The preceding description applies to the status of criminal law when Beccaria wrote his essay on crime. It helps us to understand why his essay was considered humane and revolutionary in character. For Beccaria, it was bad laws, not evil people, that were the root of the crime problem. A modern system of law that guaranteed people equal treatment was needed to replace the old, unenlightened criminal justice system of his time.

Beccaria's Proposed Reforms

Beccaria's specific suggestions for a system of criminal justice based on the social contract covered the areas of guilt and punishment. Even though people had to surrender part of their liberty for protection, Beccaria believed they would want to give up “the least possible portion”: “The aggregate of these least possible portions constitutes the right to punish; all that exceeds this is abuse and not justice; it is fact but by no means right.” Given this view, Beccaria advocated that only legislators should be the creators of laws. He stated that the authority for “making penal laws can reside only with the legislator, who represents the whole society united by the social contract.” In addition, unless it was ordained by the laws, judges were not permitted to inflict punishment on any member of society. Beccaria also made some important points about being termed “guilty”: “No man can be called guilty before a judge has sentenced him, nor can society deprive him of public protection before it has been decided that he has in fact violated the conditions under which such protection was accorded him. What right is it, then, if not simply that of might, which empowers a judge to inflict punishment on a citizen while doubt still remains as to his guilt or innocence?” This new concept, “innocent until proven guilty,” underlies our criminal justice system today.

Source: C. Beccaria, *On Crimes and Punishments*, translated by H. Paolucci, New York: Bobbs-Merrill, 1963, pp. 8–13, 30–33, 45–58, 62–64, 99.

SOCIAL CONTRACT THEORY

Beccaria based his call for reform on the theory that citizens and the state have a “social contract” that entitles people to legal protections against crime.

Beccaria's blueprint for reform had its roots in social contract theory, which stresses the idea that people were originally without government. People then created the state through a “social contract,” by which they surrendered many of their “natural liberties.” In return, people received the security that government could provide “against antisocial acts.”⁶ Beccaria wrote, “Laws are the conditions under which independent and isolated men united to form a society. Weary of living in a continual state of war, and of enjoying a liberty rendered useless by the uncertainty of preserving it, they sacrificed a part so that they might enjoy the rest of it in peace and safety. The sum of all these portions of liberty sacrificed by each for his own good constitutes the sovereignty of a nation, and their legitimate depository and administrator is the sovereign.”⁷

PLEASURE, PAIN, AND PUNISHMENT

Pleasure and pain, according to Beccaria, are the only “springs of action,” and the purpose of punishment is to prevent a criminal from doing any further injury to the community and to prevent others from committing similar crimes.

Beccaria believed that punishment should be based on the pleasure/pain principle. For him, pleasure and pain were the only “springs of action” in people who are in possession of their senses: “If an equal punishment be ordained for two crimes that injure society in different degrees, there is nothing to deter men from committing the greater [crime] as often as it is attended with greater advantage.”⁸ He also believed that punishment and penalties should be imposed on the guilty according to a scale determined by the degree of danger the given crime poses for the community: “If mathematical calculation could be applied to the obscure and infinite combinations of human actions, there

might be a corresponding scale of punishments descending from the greatest to the least.”⁹ With such an exact scale of crimes and punishments, people would know which penalties were attached to which criminal acts.

What, then, was the purpose of punishment? For Beccaria, its purpose was to prevent a criminal from doing any further injury to the community or society. The purpose of punishment was also to prevent others from committing similar crimes. These purposes required setting penalties that would make strong and lasting impressions on others with the “least torment to the body of the criminal.”¹⁰ Punishment should be no more severe than deemed necessary to deter individuals from committing crimes against others or the state. Maximizing the preventive, or deterrent, effect would be achieved by prompt, effective, and certain punishment: “The more promptly and the more closely punishment follows upon the commission of a crime, the more just and useful will it be.... I have said that the promptness of punishments is more useful because when the length of time that passes between the punishment and misdeed is less, so much stronger and more lasting in the human mind is the association of these two ideas, crime and punishment; they then come insensibly to be considered, one as the cause, the other as the necessary inevitable effect.”¹¹

After proposing that the rich should be punished in the same way as the poor, and that both torture to obtain confessions and capital punishment should be abolished, Beccaria concluded: “So that any punishment be not an act of violence of one or of many against the other, it is essential that it be public, prompt, necessary, [as] minimal in severity as possible under given circumstances, proportional to the crime, and prescribed by the laws.”¹²

After reading this section, you should be able to

1. explain what the classical school’s perspective on crime was and how it contrasted with the state of criminal law in eighteenth-century Europe;
2. describe Cesare Beccaria’s ideas of the social contract and the pleasure principle and their implications for criminal justice.

3.4 JEREMY BENTHAM

Jeremy Bentham was an early classical theorist who based his ideas on utilitarianism, *felicitious calculus*, and “the greatest happiness.”

An influential early classical theorist was the British philosopher **Jeremy Bentham**, born in 1748. He believed that people have the ability to choose right from wrong, good from evil. His explanation for criminal behavior included the idea that people are basically hedonistic, that is, they desire a high degree of pleasure and avoid pain. People who choose to commit criminal acts think they stand to gain more than they risk losing by committing the crime. Bentham believed that the criminal justice system should deter people from making this choice.

Utilitarianism is the doctrine that the purpose of all actions should be to bring about the greatest happiness for the greatest number of people.

UTILITARIANISM

Jeremy Bentham, a major contributor to the classical school of criminology, based his theories on the principle of utilitarianism.

Bentham’s perspectives on human behavior had its roots in the concept of utilitarianism, which assumes that all of a person’s actions are calculated. **Utilitarianism** is the doctrine that the purpose of all actions should be to



How would Cesare Beccaria and Jeremy Bentham explain this person's criminal behavior? According to utilitarianism, how should this criminal and crime be treated by the criminal justice system?

bring about the greatest happiness for the greatest number of people. For Bentham, people calculate actions in accordance with their likelihood of obtaining pleasure or pain. Bentham stated that an act possesses utility if it “tends to produce benefit, advantage, pleasure, good or happiness (all this in the present case comes to the same thing) or (which again comes to the same thing) to prevent the happening of mischief, pain, evil or unhappiness to the party whose interest is considered.”¹³

Bentham developed a *felicitous calculus*, or **moral calculus**, for estimating the probability that a person will engage in a particular kind of behavior. People, he believed, weigh the possibility that a particular behavior pattern or action will cause current or future pleasure against the possibility that it will cause current or future pain. In response to the question of why a person commits a crime, Bentham would probably reply that the pleasure that the person anticipated from the criminal act was much greater than the subsequent pain that might be expected from it.

Felicitous calculus is a moral calculus developed by Jeremy Bentham for estimating the probability that a person will engage in a particular kind of behavior.

THE GREATEST HAPPINESS AND SOCIAL CONTROL

Bentham advocated the “greatest happiness” principle and the use of punishment to deter crime.

Bentham expounded a comprehensive code of ethics and placed much emphasis on the practical problem of decreasing the crime problem. He aimed at a system of social control—a method of checking the behavior of people according to the ethical principle of utilitarianism. He believed that an act should be judged not by an “irrational system of absolutes but by a supposedly verifiable principle. The principle was that of ‘the greatest happiness for the greatest number’ or simply ‘the greatest happiness.’”¹⁴

For Bentham, checks or sanctions needed to be attached to criminal behavior and set up by legislation, which would then serve “to bring the individual’s pursuit of his own happiness in line with the best interests of the society as a whole.”¹⁵ Punishment, Bentham believed, was a necessary evil—necessary to prevent greater evils from being inflicted on the society and thus diminishing happiness.¹⁶ Social control based on degrees of punishment that both fit the crime and discourage offending is part of our system of criminal justice today. As you can see, Jeremy Bentham, Cesare

Beccaria, and the classical school of criminology had many influences on the American system of criminal justice.

INFLUENCES OF THE CLASSICAL SCHOOL

The U.S. Bill of Rights is rooted in Beccaria's writings. Beccaria and Bentham also influenced the development of the modern correctional system.

Beccaria's groundbreaking essay strongly influenced the first ten amendments (the Bill of Rights) to the United States Constitution and played a significant role in bringing about many of our present-day penal practices. It was also of primary importance in "paving the way for penal reform for approximately the last two centuries."¹⁷ Reviewing European history, we see that the essay greatly influenced the French penal code adopted in 1791, Russian law at the time of Catherine the Great, Austrian law during the reign of Emperor Joseph II, and Prussian law during the reign of Frederick the Great. By stressing that the goal of punishment is to deter criminal behavior in people, Beccaria reflected Jeremy Bentham's utilitarian concepts of free will and hedonism.

Both Beccaria and Bentham advocated a new philosophy and a new system of legal and penal reform. These classical theorists argued that the proper objective of punishment should be to protect society and its laws. It was their view that punishment should not be inflicted for vengeance; rather, the primary purpose of punishment should be the reduction or deterrence of crime. They advocated that the excessively brutal punishments of mutilation and death be abolished and that penal reforms be introduced so that the punishment fit the crime. Thus, it was their belief that

- the punishments inflicted should be just severe enough to outweigh any pleasures, either contemplated or actually experienced, that could be derived from the commission of the criminal act;
- in this way, the threat of punishment would deter most people from committing crimes in the first place;
- the actual infliction of punishment would deter an offender from committing additional criminal acts.

Beccaria also presented convincing arguments for imprisonment as a form of punishment, saying it would be the most effective and efficient method for carrying out punishment. As it happened, a more than adequate number of jails and prisons were already conveniently in existence throughout Europe. Prior to this time, these buildings were used for the temporary confinement of minor offenders and those awaiting trial, and they were easily adapted for use in implementing Beccaria's and Bentham's programs.¹⁸ Thus, the classical theorists influenced the development of the modern correctional system.

After reading this section, you should be able to

1. describe Jeremy Bentham's ideas of utilitarianism and the "greatest happiness," and his moral calculus;
2. compare Beccaria's and Bentham's views on deterrence, guilt, and punishment;
3. identify some contributions of the classical school of criminology to American criminal justice.

3.5

THE POSITIVIST SCHOOL OF CRIMINOLOGY

The classical perspective on crime and criminal behavior dominated the thinking and understanding of crime, law, and justice for almost a century. However, many of the proposals that the classical theorists made had little effect on the crime problem. In the decades that followed, statistical improvements in crime measurement began to reflect the existence of certain patterns in the manifestation of crime. For example, scientific research revealed that crime varied by age, race, sex, and geographic area; that is, it became obvious that factors far beyond personal calculation and motivation were involved in the manifestation of crime and criminal behavior. With the development of various scientific disciplines during the nineteenth century, attention was drawn away from notions of rationalism and punishment, and toward an investigation of the causes of crime, stressing in particular the influence of hereditary, psychological, and social factors.¹⁹

In the decades that followed the classical theorists, the logic and basic methods of science evolved and took root in Europe. In the past, during the classical and medieval periods of history, interpretations of and explanations for human and societal existence had come mainly from a strong belief in an unchanging natural law and in the supremacy and sanctity of traditional as well as theological dogma. The philosophical systems of these periods were based on simple speculative analogies to so-called eternal truths coming from the revered sources of divine will and tradition.²⁰

With the development of the Industrial Revolution, however, the world began to change radically. Old patterns of social relationships and daily routines changed. The revolution ultimately brought about an intellectual crisis in Europe. People questioned their old beliefs about the nature of human existence and society; no longer could they take society for granted. New answers were needed to the questions, “What is society? How does it change? How can it be reorganized to meet individual and social needs?”

People also began to question previously relied-on sources of knowledge that answered such questions. No longer could traditional authority and speculative philosophy explain people’s present and future life circumstances. Speculative social philosophies gave way to the idea that society and social change could be studied factually, objectively, and scientifically. Answers to ancient questions about human nature and human behavior, including deviant and criminal behavior, began to be offered in terms of objective science and not in terms of religion or philosophy. One of the earliest positivist thinkers was the French sociologist **Auguste Comte**.

AUGUSTE COMTE

Auguste Comte was the founder of sociology and positivism.

Impressed and inspired by the revolutionary discoveries in biology, chemistry, astronomy, and physics, the founder of sociology, Auguste Comte (1798–1857), advocated that human behavior and society should be studied using methods similar to those used in the physical sciences. Comte encouraged social scientists to use the perspective of **positivism**, which emphasizes techniques of observation, the comparative method, and experimentation in the development of knowledge concerning human behavior and the nature of society. This approach was different from more traditional speculative systems of social philosophy.

Auguste Comte, the founder of sociology and positivism, believed that both external and internal forces are important for understanding human behavior.

Positivism emphasizes the techniques of observation, the comparative method, and experimentation in the development of knowledge concerning human behavior and the nature of society.

The positivist perspective also stressed the idea that much of our behavior is a function of external social forces beyond individual control, as well as internal forces such as our mental capabilities and biological makeup. With the advent of positivism, people were beginning to be perceived and understood as organisms that are part of the animal kingdom whose behavior is very much influenced (if not determined) by social, cultural, and biological antecedents, rather than as self-determined beings who are free to do what they want.²¹

There is great diversity in positivist theories on the causes of crime: some stress external (or social) factors more, and others stress internal (or individual) factors more. Based on Comte's positivism, Cesare Lombroso (1835–1909) and his distinguished pupils Enrico Ferri (1856–1929) and Raffaele Garofalo (1852–1934) founded positivist criminology—the modern, positivist school of penal jurisprudence—and led what has been called the Italian school of criminology.

CESARE LOMBROSO

In his view on crime, Lombroso called for scientific explanations, focused on internal biological factors, and believed that people who engage in crime are throwbacks.

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Lombroso was one of the first theorists who attempted to scientifically study criminal behavior.

Lombroso believed that **physical stigmata**, such as a long lower jaw, flattened nose, and long, apelike arms, identify a criminal. These biological characteristics were seen as **atavism**, or a throwback to earlier states in human evolution.

Cesare Lombroso was born in Venice, Italy, in 1835. Educated in medicine and psychiatry, he became a professor of criminal anthropology at the University of Turin in 1906.²² In his book *The Criminal Man*, published in 1876, Lombroso explained criminal behavior on the basis of biological characteristics and heredity. Using various physiological and cranial measurements of known criminals, Lombroso developed the theory that certain persons who engage in criminal behavior are “born criminals.”

Lombroso believed that criminals could be distinguished from noncriminals by a variety of what he termed **physical stigmata**, such as a long lower jaw, flattened nose, and long, apelike arms. The stigmata themselves did not cause criminal behavior; rather they were visible indicators of a personality type that was, in essence, a primitive **atavism**, a throwback on the Darwinian scale of human evolution.²³

Lombroso's approach “suggested that criminals are distinguished from noncriminals by the manifestation of multiple physical anomalies, which are of atavistic or degenerative origin. The concept of atavism (from Latin *atavus*, ancestor) postulated a reversion to a primitive or subhuman type of man, characterized physically by a variety of inferior morphological features reminiscent of apes and lower primates, occurring in the more simian fossil men and, to some extent, preserved in modern ‘savages.’”²⁴ In addition, Lombroso's theory implied that the “mentality of atavistic individuals is that of primitive man, that these are biological ‘throwbacks’ to an earlier stage of evolution, and that the behaviour of these ‘throwbacks’ will inevitably be contrary to the rules and expectations of modern civilized society.”²⁵

Although Lombroso is considered the father of criminology, there are many criticisms of and misconceptions about his ideas. Many scholars, including Lombroso's most ardent advocates, criticized his methods of research, such as his sources of information, his use of statistics, and the absence of adequate control groups in his experiments (although he did challenge his opponents to test his research and ideas by a controlled investigation of criminals and noncriminals).²⁶

Lombroso not only focused on the “born criminal,” atavism, and degeneracy; as a positivist, he also expressed concern for factors such as the social and physical environment of the offender. In *Crime, Its Causes and Remedies* (1899), he reported that economic and political developments give rise to

Lombroso's Study of a Criminal's Brain

Lombroso was unhappy with the abstract, judicial methods of studying crime in his day. He wanted to apply the experimental method in studying the differences between criminals and noncriminals. He did his research by studying criminals in Italian prisons, where he became acquainted with a famous bandit named Vilella. When Vilella died and Lombroso did a postmortem examination, he found a distinct depression at the base of the skull, a “characteristic found in inferior animals, and a depression correlated with an overdevelopment of the vermis, known in birds as the middle cerebellum.”¹ In reviewing this moment in his life, Lombroso later stated: “This was not merely an idea, but a revelation. At the sight of that skull, I seemed to see all of a sudden, lighted up as a vast plain under a flaming sky, the problem of the nature of the criminal—an atavistic being who reproduces in his person the ferocious instincts of primitive humanity and the inferior animals. Thus were explained anatomically the enormous jaws, high cheekbones, prominent superciliary arches, solitary lines in the palms, extreme size of the orbits, handle-shaped or sessile ears found in criminals, savages, and apes, insensibility to pain, extremely acute sight, tattooing, excessive idleness, love of orgies, and the irresistible craving for evil for its own sake, the desire not only to extinguish life in the victim, but to mutilate the corpse, tear its flesh, and drink its blood.”²

¹M. E. Wolfgang, “Cesare Lombroso,” in *Pioneers in Criminology*, H. Mannheim, ed., 2nd ed., Montclair, NJ: Patterson Smith, 1972, p. 248.

²C. Lombroso, from his opening speech at the Sixth Congress of Criminal Anthropology, Turin, Italy, April 1906; quoted in *ibid.*

the appearance of abnormalities that induce social reactions. In discussing socioeconomic factors, he emphasized a mutual interactive relationship between heredity and environment and, in other written works, stressed environmental conditions as causing or having an effect on criminality. For example, he discussed the influences of poverty on crime, the relationship between the cost of food and crimes against property and person, and the relationship between alcohol and crime.²⁷

Lombroso also investigated the etiology (or origins) of crime. He used a wide variety of research techniques and procedures, ranging from historical and clinical methods to anthropometric and statistical techniques. These were important strides in the study of crime; nevertheless, Lombroso's research methods would not be accepted today as scientific.²⁸

ENRICO FERRI

Ferri coined the term “born criminal” and developed a fivefold scientific classification of criminals.

Enrico Ferri was born in Mantua, Italy, in 1856. His dissertation, published in 1878, was entitled *Criminal Sociology*. It was in its fifth edition when Ferri died in 1929. He was, for many decades, an acknowledged leader of the positivist school of criminology.²⁹ Ferri studied under Lombroso at the University of Turin because of his belief that, “in order to formulate principles concerning crimes, penalties and criminals, it is first necessary to study... criminals and prisons, since facts should precede theories.”³⁰

In 1880, Lombroso began to edit his periodical, the *Archive of Psychiatry*. In its first volume, Ferri contributed a paper on the relationship between criminal anthropology and criminal law. In this paper, Ferri first coined the term

Enrico Ferri, was a positivist who developed a scientific classification of criminals and focused on the causes of crime, criminal sociology, social reform, and effective criminal justice.

“born criminal,” to designate Lombroso’s atavistic type of criminal, and developed one of his basic ideas: a scientific classification of criminals.³¹ Ferri’s classification included the following:

1. The *born or instinctive criminal*, who carries from birth, through unfortunate heredity from his progenitors, . . . a reduced resistance to criminal stimuli and also an evident and precocious propensity to crime
2. The *insane criminal*, affected by a clinically identified mental disease or by a neuropsychopathic condition which groups him with the mentally diseased
3. The *passional criminal*, who, in two varieties, the criminal through passion (a prolonged and chronic mental state), or through emotion (explosive and unexpected mental state), represents a type at the opposite pole from the criminal due to congenital tendencies
4. The *occasional criminal* who constitutes the majority of lawbreakers and is the product of family and social milieu more than of abnormal personal physiomenal conditions
5. The *habitual criminal*, or rather, the criminal by acquired habit, who is mostly a product of the social environment in which, due to abandonment by his family, lack of education, poverty, [and] bad companions . . . already in his childhood begins as an occasional offender³²

Ferri carefully pointed out that not every criminal would fit into his classification system, nor would criminals in daily life appear so well defined as the system suggested. Classes of criminals do not exist in nature, according to Ferri. However, they are a necessary “instrument by which the human mind can better understand the multiform reality of things.”³³

Ferri expressed interest in Lombroso’s ideas of the basic biological causation of criminal behavior, but he stressed the importance and interrelated-

Ferri Believed in Social Reform

Ferri’s contributions to the etiology of criminal conduct were “incidental means for achieving a greater understanding of the course which the reformation of criminal justice should take.”¹ That is, Ferri was basically a social reformer. He desired to achieve a “demonstrably effective criminal justice, which would afford maximum protection or defence of society against the criminal.”² In his writings, Ferri examined many crime-preventive measures, or, as he termed them, “substitutes for punishments,” such as “free trade, abolition of monopolies, inexpensive workmen’s dwellings, public savings banks, better street lighting, birth control, [and] freedom of marriage and divorce.”³ These preventive measures were very much in line with his political theory, which was that “the state is the principal instrument through which better conditions are to be attained.”⁴ Ferri was the chief architect of the positivist school, which stood in clear opposition to the classical school. Ferri felt that a positivist perspective was necessary to “put a stop to the exaggerated individualism in favour of the criminal in order to obtain a greater respect for the rights of honest people who constitute the great majority.”⁵

¹T. Sellin, “Enrico Ferri,” in *Pioneers in Criminology*, H. Mannheim, ed., 2nd ed., Montclair, NJ: Patterson Smith, 1972, pp. 378–79.

²Ibid.

³G. B. Vold and T. J. Bernard, *Theoretical Criminology*, New York: Oxford University Press, 1986, p. 41.

⁴Ibid.

⁵Sellin, “Enrico Ferri,” p. 378.



How might the early positivists regard this criminal and the causes of his crimes? How might Lombroso describe him? How might Ferri classify him as a criminal type? How would Garofalo's classification differ? What would the positivists say should be done to protect society from this criminal?

ness of social, economic, and political factors as well. In *Criminal Sociology*, Ferri presented his original thesis on the causes of crime, which centered on the following factors:

- physical (race, climate, geographic location, seasonal effects, temperature, etc.)
- anthropological (age, sex, somatic [body] conditions, psychological conditions, etc.)
- social (density of populations, customs, religion, organization of government, economic and industrial conditions, etc.).³⁴

For Ferri, the positivist school cultivated a “science of criminality and of a social defence against it.” This science involved “an individual fact (somatopsychological condition of the offender) by anthropology, psychology, and criminal psychopathology; and a social fact (physical and social environmental conditions) by criminal statistics, monographic studies, and comparative ethnographic studies for the purpose of systematizing social defence measures (a) of a preventive nature, either indirect or remote (through ‘penal substitutes’) or direct or proximate (by the police); or (b) of a repressive nature through criminal law and procedure, techniques of prison treatment, and aftercare.” Ferri called this science **criminal sociology**.³⁵

RAFFAELE GAROFALO

Raffaele Garofalo was a positivist who rejected the doctrine of free will, classified criminals into four types on the basis of moral deficits, and believed in incapacitation as the best social defense against crime.

Raffaele Garofalo (1852–1934) was the third of the leading exponents of positivism. Garofalo was born of Italian nobility in Naples in 1852. He was a professor of criminal law at the University of Naples and is known principally in the United States for his major work, *Criminology*.³⁶

Garofalo also rejected the doctrine of free will. He believed that crime and criminal behavior can be understood only by using scientific methods, and that science deals with universals. He, therefore, developed a sociological definition of crime that was universal and would “designate those acts which no civilized society can refuse to recognize as criminal and repress by punishment.”³⁷

Because he believed it to be inadequate for scientific purposes, Garofalo rejected the definition of crime as “that conduct for which the law has provided penalties and has denominated criminal.”³⁸ He found this “juridical” conception of crime inadequate because it included as well as excluded

psst!

Ferri developed the field of **criminal sociology** and was the chief architect of the positivist school of criminology.

Raffaele Garofalo was a positivist who rejected the doctrine of free will.

psst!

Garofalo focused on natural crime, psychic anomaly, the secondary importance of external factors, four classes of criminals, and incapacitation as a defense against crime.

Natural crime, for Garofalo, consisted of conduct that offends the basic moral sentiments of pity and probity.

behaviors that he thought should be a part of a sociological notion of crime. His definition of **“natural crime”** was “that conduct which offends the basic moral sentiments of pity (revulsion against the voluntary infliction of suffering on others) and probity (respect for property rights of others).”³⁹ Garofalo’s theoretical system holds that “the concept of natural crime serves the primary end of identifying the true criminal against whom measures of social defence must be taken. Natural crime is behavior which violates certain basic moral sentiments. The true criminal is he whose altruistic sensibilities are lacking or are in a deficient state of development. The concepts of crime and the criminal are thus integrally related.”⁴⁰

Garofalo advanced the concept of psychic or moral anomaly. That is, he believed that the true criminal is abnormal and “lacks a proper development of the altruistic sensibilities. This lack or deficiency is not simply the product of circumstance or environmental conditioning but has an organic basis.”⁴¹ For Garofalo, “[t]here is no such thing as a casual offender.”⁴² He believed that this moral anomaly was “hereditarily transmissible” and “established by unimpeachable evidence.”⁴³ Thus, Garofalo believed that congenital and inherited factors are important, and he downplayed external factors. Making environmental and social factors less important affected his conclusions regarding crime-prevention measures. For example, Garofalo did not believe that education was an agent for eliminating crime; in fact, he viewed education as “chiefly determinative of the kinds of crime committed.”⁴⁴ He was also skeptical of economic distress as a cause of crime, but he stressed the importance of a sound family environment and religious instruction for children as a crime-prevention measure. Garofalo stated that, without a doubt, “external causes such as tradition, prejudices, bad examples, climate, alcoholic liquors, and the like are not without important influence. But in our opinion, there is always present in the instincts of the true criminal, a specific element which is congenital or inherited, or else acquired in early infancy and become inseparable from his psychic organism.”⁴⁵

psst!

Garofalo proposed four classes of criminals: the murderer, the violent criminal, the thief, and the lascivious criminal.

Garofalo developed a classification of four criminal types or classes, based on the concept of moral anomaly. Even though they are distinct from one another, they are related in the sense that each type is characterized by “a deficiency in the basic altruistic sentiments of pity and probity.”⁴⁶ Garofalo’s four classes of criminals are

The murderer is the man in whom altruism is wholly lacking. The sentiments of both pity and probity are absent, and such a criminal will steal or kill as the occasion arises. . . . Lesser offenders fall into two major groups: violent criminals, characterized by the lack of pity, and thieves, indicated by a lack of probity. . . . such offenses are committed by a small minority of the population. . . . The violent criminal may also commit crimes of passion, sometimes under the influence of alcohol. . . . such crimes. . . . are indicative of inferior innate moral capacities. . . . Certain environments. . . . contribute to crimes against property. . . [such as] two or three evil companions. . . . Nevertheless, many manifestations of such behavior can only be attributed to “a remote atavism” and in other cases to a general deficiency in “moral activity.”. . . Lascivious criminals. . . [are] a group of sexual offenders. . . whose conduct is characterized less by the absence of the sentiment of pity than by a low level of moral energy and deficient moral perception.⁴⁷

Garofalo’s concepts of crime and criminals provide a base for his “social defense” against criminality. For Garofalo, because of the “absence or deficiency of the basic altruistic sentiments,” the criminal demonstrates his

“unfitness” or “lack of adaptation” to his social environment: “Elimination from the social circle is thus the penalty indicated.”⁴⁸ This emphasis on elimination results in “a theory of penalties or treatment which makes incapacitation of the criminal the consideration of central importance.”⁴⁹ Deterrence of potential offenders and reformation of offenders are of secondary importance.⁵⁰ Incapacitation through death or imprisonment or “transportation” (banishment to penal colonies) was the key to eliminating criminals from society.⁵¹ Garofalo presents three means of elimination:

1. Death, for those whose acts grow out of a “permanent psychologic anomaly which renders the subject forever incapable of social life”
2. Partial elimination, including long-time or life imprisonment and transportation for those “fit only for the life of nomadic hordes or primitive tribes,” as well as the relatively mild isolation of agricultural colonies for young and more hopeful offenders
3. Enforced reparation for those lacking in altruistic sentiments who have committed their crimes under exceptional circumstances not likely to occur again⁵²

Garofalo believed that his theory of punishment met three conditions needed to make it “an effective instrument of public policy”: it satisfied the deep-seated public demand for punishment of the offender simply because he committed a crime; its general principle of elimination was sufficiently intimidating to contribute to deterrence; and the social selection resulting from its operation offered hope for the future by slow eradication of the criminals and their progeny.⁵³

Comte, Lombroso, Ferri, and Garofalo reflect the diversity of positivist views in their various emphases on internal or external causes of criminal behavior. However diverse its elements, the perspective of positivism significantly contributed to the development of criminology and criminal justice in the United States, chiefly because the positivists embraced the scientific method and focused on society’s need for protection against criminals.

After reading this section, you should be able to

1. list the characteristics of positivism and describe the circumstances in which it arose;
2. explain the concept of atavism as a feature of Lombroso’s general theory of criminality;
3. list Ferri’s five types of criminals and three causes of crime;
4. describe Garofalo’s four criminal types, the sources of their criminality, and the three ways of eliminating them from society;
5. compare and contrast positivism and the “science of criminality” with the classical school of criminology.

3.6

CONTEMPORARY CLASSICISM AND POSITIVISM

The contributions of the early schools of criminological thought have been many and profound. Classicism and positivism have provided us with many theories of crime and criminal behavior, laying a foundation for the discipline

of criminology and the related fields of criminal justice and penology. Most modern theories combine elements of both the classical and positivist perspectives. Four modern examples are described in this section: rational choice theory, deterrence theory, an economic model of crime, and routine activities theory.

RATIONAL CHOICE THEORY

For rational choice theorists, a criminal rationally chooses the crime to commit and the target of crime.

Rational choice theory focuses on the situational aspects of criminal behavior and stresses that a criminal rationally chooses both the crime to commit and the target of the crime.

An **integrated theory** is a theory in which two or more of the major criminological theories are used together in a new theoretical perspective.

A recent reformulation and integration of earlier classical and positivist theories is found in rational choice theory. Developed by Derek Cornish and Ronald Clarke, **rational choice theory** focuses on the situational aspects of criminal behavior. Rational choice (or situational) theory stresses the point that society can achieve a high degree of crime prevention by focusing on the situational aspects that influence particular types of criminal behavior. According to rational choice theory, a criminal rationally chooses both the crime to commit and the target of the crime. The criminal, in other words, does not randomly select his or her target.⁵⁴

Recently, some criminologists have categorized rational choice theory as a neoclassical theory, because of its focus on rationality and choice. Others, however, have argued that choice theory is a form of positivist theory, because it stresses empirical techniques to evaluate and reduce vulnerability to crime and does not focus on the dispensing of justice.⁵⁵

Whatever position one maintains, rational choice theory is one of the integrated classical theories that have merged the classical and positivist perspectives to crime and crime prevention based on a person's rationality and freedom of choice. An **integrated theory** is one in which two or more of the major criminological theories are used together in a new theoretical perspective. Choice theory stresses the idea that an individual's ability to choose is merged with the empiricism of positivism, enabling criminologists to analyze and understand how one's choices are influenced by situational factors. As later chapters in this analysis of criminal behavior and crime control will demonstrate, many situational factors or opportunity factors (e.g., access control, entry and exit screening, surveillance, brighter streetlights, and home alarms) can be altered in order to deter criminal behavior.⁵⁶

This citizen may be about to get robbed. According to rational choice theory, what factors will determine whether and how a crime will occur? According to deterrence theory, what factors will influence the potential offender's decision?



DETERRENCE THEORY

Deterrence theory stresses that an individual's choice to commit or not commit a crime is influenced by the fear of punishment.

Choice theory says that criminals are rational beings who evaluate available information to decide whether a crime is attractive and worthwhile.

Deterrence theory, on the other hand, stresses the idea that an individual's choice is influenced by the fear of punishment. **Deterrence** is the act of preventing a criminal act before it occurs, through the threat of punishment and sanctions. Rooted in the classical perspective, deterrence theory focuses on the following premises:

- For punishment to be a deterrent to criminal behavior, it must be certain, swift, and severe.
- The severity must be sufficient to outweigh any rewards that the criminal may obtain from a criminal act.

Deterrence is at the center of neoclassical thinking.

Why are crime rates so high in the United States? Using the deterrence perspective, one could argue hypothetically that they are high because many criminals believe that many police officers will not make an arrest even if they are aware of a crime; therefore, there is only a small chance of being arrested for committing a particular crime. In addition, the perpetrator may believe that, even if arrested, there is a high probability of receiving a lenient punishment.

How, then, can we reduce high rates of criminal behavior? From a deterrence perspective, crime rates should decline if there is an increase in the rates of arrest, conviction, and severity of punishment. Studies have indicated three significant findings, however:

1. Where there have been increases in police activity, crime rates are not necessarily reduced; nor are crime rates reduced by increasing the number of police in a community.⁵⁷
2. In a famous Kansas City, Missouri, police study, the absence or presence of police patrols did not affect the crime rates.⁵⁸
3. At times, high, intense, short-term, levels of police presence and intervention in a community may initially and temporarily deter crime and lower crime rates. However, once the intervention ends, crime rates return to previous levels.⁵⁹

Considering the relationship between deterrence and severity of punishment, can the threat or implementation of severe punishment reduce the crime rate? The research findings are mixed. Some studies report that increasingly tougher laws have a deterrent effect and lower crime rates; but other studies question this relationship.⁶⁰ A recent study by the National Center for Policy Analysis examined the relationship between the probability of going to prison and various crime rates. For example, the study reported that as the probability of going to prison increased for the crimes of robbery and murder, the rates for these crimes significantly declined. The study concluded that there is a relationship between the probability of incarceration for a particular crime and a subsequent decline in the rate of that crime.⁶¹

Deterrence theory also includes the idea that forced retribution for a crime should reduce crime rates. **Retribution** is the notion that a wrongdoer should be forced to “pay back” or compensate for his or her criminal acts. During the 1970s and into the 1980s, there was a return to retributivism

Deterrence theory stresses the idea that an individual's choice is influenced by the fear of punishment.

Deterrence is the act of preventing a criminal act before it occurs, through the threat of punishment and sanctions.

Retribution is the notion that a wrongdoer should be forced to “pay back” or compensate for his or her criminal acts.

The **justice model** stresses the idea that offenders are responsible people and therefore deserve to be punished if they violate the law.

Just deserts is a justice perspective according to which those who violate others' rights deserve to be punished.

Utilitarian punishment philosophy is based on the assumption that punishment is necessary to protect society from crime and also to deter offenders.

The **economic model of crime** stresses that criminal behavior follows a calculation whereby the criminal explores the perceived costs, rewards, and risks of alternative actions.

Routine activities theory (RAT) stresses the idea that criminals are not impulsive or unpredictable, because they balance the costs as well as benefits of committing crimes.

and the justice model. The **justice model** stresses the idea that offenders are responsible people and therefore deserve to be punished if they violate the law. Do criminal offenders deserve the punishment they receive from the laws and the courts? Should punishments be appropriate to the type and severity of the crime committed? These are questions central to the concept of "just deserts," which is the pivotal basis of the justice model. **Just deserts** is a justice perspective according to which those who violate others' rights deserve to be punished. The severity of the punishment should also be commensurate with the seriousness of the crime.

In addition to returning to the justice model, the United States in the 1970s and 1980s reverted to a **utilitarian punishment philosophy** to deal with crime. Utilitarianism in punishment is based on the assumption that punishment is necessary to protect society from crime and also to deter offenders, a subject that will be addressed in a later chapter.

AN ECONOMIC MODEL OF CRIME

An economic model of crime assumes that an individual will choose the same course of action when confronted with the same alternatives regarding costs, rewards, and risks.

Do criminals control their own actions and behavior? Do people commit crime when they believe the benefits of crime outweigh the risks? Like earlier classical theories and the modern rational choice theory, the **economic model of crime** is based on the assumption that a person chooses to commit crime. The economic model assumes that when confronted with the same alternatives, a person will choose the same course of action. In other words, criminal behavior follows a calculation whereby criminals explore the perceived costs, rewards, and risks of alternative actions.

READING ABSTRACT

Contemporary Classicism: Deterrence and Econometrics, and Implications and Conclusions by George Vold and Thomas Bernard

This reading examines the economic model of crime and deterrence, and their implications for crime control.

See reading on page 84.

ROUTINE ACTIVITIES THEORY

Routine activities theory stresses the idea that criminals balance the costs and benefits of committing crimes.

Classical theorists explain crime as a rational course of action by offenders who seek to minimize pain and maximize pleasure. Routine activities theory is a product of the classical approach. **Routine activities theory (RAT)** stresses the idea that criminals are not impulsive or unpredictable, because they balance the costs as well as benefits of committing crimes.

In an analysis of crime and routine activities, Lawrence E. Cohen and Marcus Felson consider the trends in crime rates in terms of the changing routine activities of everyday life. RAT explains why crime and delinquency occur in particular places under specific conditions. It does this by focusing on the convergence of motivated offenders, suitable targets, and the absence of capable guardians against a violation. RAT assumes that

1. self-interest motivates criminal offenders to commit criminal acts;
2. many individuals may be motivated to break laws.

Suitable targets may be things that are valued (e.g., jewelry, cars, or cash) or people who, when assaulted, provide positive rewards or pleasure to the perpetrator. Guardians are defined as objects (e.g. gates, surveillance cameras, or burglar or auto alarms) or individuals (e.g., guards or police) who are capable of protecting possible targets or victims. To the offender, the presence of protective guardians raises crime costs and lessens target attractiveness.⁶²

RAT studies focus on direct-contact **predatory violations**—illegal acts in which “someone definitely and intentionally takes or damages the person or property of another.”⁶³ Focusing on crime events and not on criminal offenders themselves, RAT examines how structural changes in everyday activity patterns influence crime rates by affecting the convergence in time and space of three requisite conditions for a crime to occur. These three conditions include

1. a perpetrator;
2. a victim and/or an object of property (criminal victimization increases when motivated offenders and targets converge);
3. a relationship or an opportunity (criminal victimization decreases with the presence of capable guardians).

One way of examining routine activities theory is to focus on the locations where crimes are most likely to occur. Where, for example, would you expect the theft of textbooks to occur most often? The answer depends on the daily routine activities of typical victims and offenders, and their relationships. It stands to reason that textbook theft is most likely to occur on college campuses; the greater the availability of valuable texts to potential thieves, the greater the probability that such a crime will occur.

For Cohen and Felson, criminality is a given. The concept of routine is derived from the fact that the elements of a criminal act merge together in normal, regular activities. RAT stresses the idea that there are plenty of motivated offenders in society and that it is important to focus on the prevention or deterrence of crime and not worry about the “nature of criminality.” If we are to reduce crime in America, the attractiveness of and/or accessibility to the target needs to be reduced.⁶⁴ Routine activities theory, then, focuses on criminal events, not on offenders. RAT makes no attempt to account for why some individuals do offend but others do not.

Predatory violations are illegal acts in which someone definitely and intentionally takes or damages the person or property of another.

After reading this section, you should be able to

1. explain rational choice theory as an integrated theory in criminology;
2. evaluate deterrence theory and the justice model in relation to studies of crime rates and punishments;
3. describe how the economic model of crime works;
4. briefly describe the major points from Reading 3.1, on contemporary classicism and contemporary positivism;
5. compare and contrast contemporary classicism with ancient classicism in relation to the role of economic theories, based on Reading 3.1;
6. list the assumptions on which the routine activities theory is based.

3.7**SUMMARY**

This chapter discusses many of the early theoretical explanations for criminal behavior (pp. 60–62). Early scholarly explanations for crime came from a wide variety of fields. Criminologists have traditionally marked the beginning of their discipline with the establishment of Cesare Beccaria's and Jeremy Bentham's classical school of criminology, which purports that people rationally choose to commit criminal acts (pp. 62–68). The positivist school of criminology, founded by Auguste Comte, purports that behavior is determined by measurable factors beyond human control, a principle developed further in the theoretical contributions of Cesare Lombroso, Enrico Ferri, and Raffaele Garofalo (pp. 69–75).

All of these theories from the past have formed a foundation for modern criminology and related fields. Rational choice theory is a reformulation and integra-

tion of earlier classical and positivist theories. Rational choice theory stresses the idea that a criminal rationally chooses the crime to commit as well as the target of the crime. It also stresses the idea that a high degree of crime prevention can be achieved by focusing on the situational aspects that influence particular types of criminal behavior (pp. 75–76).

According to deterrence theory, an individual's choice to commit or not commit a crime is influenced by the fear of punishment. According to the economic model of crime, criminal behavior follows a calculation whereby the criminal examines the perceived costs, rewards, and risks of alternative actions. The chapter concludes with an explanation of routine activities theory, which stresses the idea that criminals balance the costs and benefits of committing crimes (pp. 77–79).

STUDY GUIDE

CHAPTER OBJECTIVES

- Compare the spiritual and natural explanations for crime.
- Write a brief explanation of the classical school's perspective on crime.
- Briefly explain the state of criminal law in eighteenth-century Europe.
- Briefly list the dimensions of social contract theory.
- Briefly describe Beccaria's beliefs on punishment and its purpose.
- Identify and briefly describe the concept of utilitarianism and Bentham's moral calculus.
- Briefly explain "the greatest happiness."
- Describe Beccaria's and Bentham's views on deterrence and punishment.
- Briefly describe the development of positivism.
- Write a clear and concise statement on what Lombroso's general theory suggests about criminals.
- Briefly outline Ferri's scientific classification of criminals.
- List Ferri's causes of crime, and explain the "science of criminality."
- Briefly explain what Garofalo meant by the term *natural crime*.
- Briefly describe rational choice theory.
- Describe deterrence theory.
- Briefly describe the economic model of crime.
- Briefly describe the major points from Reading 3.1, on contemporary classicism and contemporary positivism.
- Identify the major points of routine activities theory.

KEY TERMS

Atavism (70)	Ferri, Enrico (71)	Predatory violations (79)
Beccaria, Cesare (64)	Garofalo, Raffaele (73)	Rational choice theory (76)
Bentham, Jeremy (66)	Integrated theory (76)	Retribution (77)
Classical school of criminology (63)	Just deserts (78)	Routine activities theory (RAT) (78)
Comte, Auguste (69)	Justice model (78)	Utilitarianism (66)
Criminal sociology (73)	Lombroso, Cesare (70)	Utilitarian punishment philosophy (78)
Deterrence (77)	Moral calculus (67)	
Deterrence theory (77)	Natural crime (74)	
Economic model of crime (78)	Physical stigmata (70)	
<i>Felicitous calculus</i> (67)	Positivism (69)	

SELF-TEST

SHORT ANSWER

1. List the six major theorists and their "schools" examined in this chapter.
2. List three characteristics of law in eighteenth-century Europe.
3. Define social contract theory.
4. Define utilitarianism and moral calculus.
5. Briefly state how Lombroso viewed the criminal.
6. List all of Ferri's causes of crime.
7. Define natural crime.
8. List Garofalo's classes of criminals.
9. List Garofalo's means of elimination.
10. Briefly define contemporary classicism.
11. Describe rational choice theory.
12. Describe routine activities theory.

MULTIPLE CHOICE

1. Scholars in the field of criminology during the eighteenth and nineteenth centuries came from such fields as
 - a. philosophy
 - b. medicine
 - c. psychiatry
 - d. all of the above
2. Classical theorists believe that
 - a. all of us have free will

- b. social factors are important in criminal behavior
c. most crime is economically determined
d. all of the above
3. Cesare Beccaria's *On Crimes and Punishments*
- undermined many cherished beliefs of those in power
 - was an attack on the prevailing system of justice
 - was written in response to the positivist school of criminology
 - a* and *b* of the above
4. Eighteenth-century European law was characterized by
- secret accusations
 - torture
 - arbitrary sentences
 - all of the above
5. Jeremy Bentham believed
- that criminals are a primitive throwback on the Darwinian scale of human evolution
 - that an act should not be judged by an irrational system of absolutes
 - in the power of the scientific method
 - a* and *b* of the above
6. The positivist perspective stressed that much of our behavior is a function of
- external forces that are within individual control
 - external forces that are beyond individual control
 - internal forces, such as our mental capabilities and biological makeup
 - b* and *c* of the above
7. Cesare Lombroso explained crime mainly on the basis of
- economic factors
 - biological characteristics and heredity
 - social factors
 - all of the above
8. According to Enrico Ferri, crime is caused by such factors as
- race, climate, geographic location, seasonal effects, and temperature
 - age, sex, and somatic and psychological conditions
 - density of populations, customs, and religion
 - all of the above
9. Raffaele Garofalo
- accepted the doctrine of free will
 - believed that crime could not be understood only by using scientific methods
 - believed in elimination
 - all of the above
10. According to rational choice theory,
- a criminal rationally chooses the crime to commit
 - a criminal rationally chooses the target of the crime
 - a criminal is irrational in the choice of crime and victim
 - a* and *b* of the above
11. According to deterrence theory,
- criminals are not rational beings who evaluate available information to decide whether a crime is attractive or worthwhile
 - an individual's choice is influenced by the fear of punishment
 - virtually all criminal behavior is biologically inherited
 - virtually all criminal behavior can be explained psychologically
12. The economic model views the decision to commit a crime as
- essentially similar to any other decision—that is, it is made on the basis of an analysis of the costs and benefits of the action
 - a function of one's socioeconomic position in the marketplace
 - not a function of economic validity
 - all of the above
13. According to routine activities theory,
- criminals are impulsive
 - criminals are not impulsive or unpredictable
 - criminals balance the costs as well as benefits of committing crimes
 - b* and *c* of the above
14. Routine activities theory focuses on the convergence of
- a motivated offender, a suitable target, and a lack of guardians capable of defending the target
 - unsuitable offenders, unsuitable targets, and capable guardians
 - routine offenders, routine targets, and routine guardians
 - none of the above
15. The early explanations for criminal behavior focused on
- the psychological reasons for committing crimes
 - the biochemical causes of crime
 - the genetic causes of crime
 - none of the above

TRUE-FALSE

- T F 1. Attempts to explain crime date back some three hundred years.
- T F 2. The positivist school purports that people rationally choose to commit criminal acts.
- T F 3. The classical school purports that behavior is determined by measurable factors beyond individual control.

- T F 4.** The classical school believes that the major element governing a person's choice of action is the basic human desire to obtain pleasure and avoid pain.
- T F 5.** Beccaria's blueprint for reform had its roots in social contract theory.
- T F 6.** Bentham's perspective on human behavior had its roots in the concept of utilitarianism.
- T F 7.** Beccaria's general theory suggested that criminals can be distinguished from noncriminals by the manifestation of multiple physical anomalies that are atavistic.
- T F 8.** Garofalo's ideas relegate environmental and social factors to secondary levels of importance.
- T F 9.** Rational choice theory focuses on the "born criminal."
- T F 10.** The economic model of crime challenges the assumption that a person chooses to commit crime.
- T F 11.** Routine activities theory focuses on the criminal offenders themselves, not on criminal events.

FILL-INS

- Criminologists have traditionally marked the beginning of the discipline of criminology with the establishment of Cesare Beccaria's and Jeremy Bentham's _____ school of criminology.
- The classical school of criminology was founded by _____ and _____.
- Beccaria believed bad _____, not evil people, were the basis of the crime problem.
- Beccaria believed that punishment should be based on the pleasure/_____ principle.
- Bentham developed a moral _____ for estimating the probability that a person will engage in a particular kind of behavior.
- It was the founder of sociology, _____, who advocated that human behavior and society should be studied using methods similar to those used in the physical sciences.
- _____ explained criminal behavior on the basis of biological characteristics and heredity.
- Lombroso is considered to be the father of _____.
- _____ thought that the positivist school cultivated a "science of criminology and of a social defence against it."
- Garofalo presents three means of elimination: _____, _____, and _____.
- _____ theory stresses the idea that an individual's choice to commit or not commit a crime is influenced by the fear of punishment.
- _____ theory explains why crime and delinquency occur in particular places under specific conditions.

MATCHING

- Industrial Revolution
- Spiritual explanations of crime
- Beccaria
- Lombroso
- Ferri
- Utilitarianism
- Moral calculus
- Comte
- Natural crime
- Primitive throwback
- Routine activities theory
- Rational choice theory
- Founder of sociology
- Bentham
- Criminal sociology
- Salem witch trials
- Garofalo
- Classical theorist
- Radical, worldwide social change
- Atavism
- Father of criminology
- The greatest happiness for the greatest number of people
- Situational aspects of criminal behavior
- Suitable targets and motivated offenders

ESSAY QUESTIONS

- Do you believe that many Americans still explain crime using spiritual explanations? Elaborate on your answer.
- Why, in your thinking, are many of the principles of the classical school of criminology experiencing a revival in criminology today?
- Do you believe that people have free will and make a choice to commit or not commit a crime? Explain your answer.
- Examine the growth of positivism and its impact on the field of criminology.
- Compare and contrast the major principles of the classical and positivist schools of criminology.
- Do you believe that social, political, and economic factors have anything to do with why a person becomes a criminal? Explain your answer.
- Does the individual make the choice to commit a crime? Explain your answer.
- How does routine activities theory explain criminal behavior? Do you agree with this theory? Why or why not?

READING 3.1

CONTEMPORARY CLASSICISM:

DETERRENCE AND ECONOMETRICS, AND
IMPLICATIONS AND CONCLUSIONS

Source: G. B. Vold and T. J. Bernard, *Theoretical Criminology*, 3rd ed., New York, Oxford University Press, 1986, pp. 30–34.

BY GEORGE B. VOLD AND THOMAS J. BERNARD

Deterrence and Econometrics

The classical school was the dominant perspective in criminology for approximately one hundred years, until it was replaced by the positivist search for the causes of crime. After another one hundred years substantial interest returned to the classical perspective in criminology, beginning in the late 1960s. This revival of interest was associated with a dramatic shift away from the positivist-oriented indeterminate sentencing structures and back to the determinate sentences similar to the French Code of 1791.¹

Two principal branches of contemporary classicism can be identified. The whole question of deterrence has been the subject of voluminous literature in criminology in recent years.² Here an attempt has been made to develop the classical perspective in the light of modern knowledge of the human behavioral sciences, as well as through empirical studies of the effects of certainty and severity of punishment on crime rates. While deterrence theory and research has been dominated by criminologists and sociologists, the other branch of contemporary classicism has been dominated by economists. The field of economics holds a view of man that is quite similar to that of the classicists. For example, economic theory holds that a person analyzes the costs and benefits when he decides to buy a hamburger instead of a T-bone steak, or a Volkswagen instead of a Cadillac. The costs and benefits include not merely monetary factors, but factors such as taste, comfort, prestige, and convenience. Econometric techniques³ have been developed to analyze these factors in terms of the resulting economic choice. Beginning with an article by Gary S. Becker in 1968,⁴ many economists have approached crime as a similar economic choice. They have therefore applied their techniques to the analysis of criminal behavior, as well as to the choices of the criminal justice system.

The economic perspective views the decision to commit a crime as essentially similar to any other decision—that is, it is made on the basis of an analysis of the costs and benefits of the action. Because crime is seen as a free choice of the individual, the theories of crime which discuss cultural or biological “causes” are seen as unnecessary.⁵ For example, [Richard F.] Sullivan describes the choice of a career as a thief as follows:

The individual calculates (1) all his practical opportunities of earning legitimate income, (2) the amounts of income offered by these opportunities, (3) the amounts of income offered by various illegal methods, (4) the probability of being arrested if he acts illegally, and (5) the probable punishment should he be caught. After making these calculations, he chooses the act or occupation with the highest discounted return. To arrive at a discounted return he must include among his cost calculations the future costs of going to prison if he is apprehended. It is in this sense that the criminal is understood to be a normal, rational, calculating individual.⁶

The benefits of a criminal action may include not only increases in monetary wealth, but also increases in psychological satisfaction as well as the possibility of achieving these increases with very little effort. The expected cost of the crime is normally computed as the total cost associated with the punishment of the crime times the probability that the punishment will be imposed. For example, if the crime is usually punished with a fine of \$1,000, and the probability of the punishment being imposed is 1/10, then the expected cost of the crime is \$100. If the person can gain more than \$100 in the crime, then it would be in his interest to commit it.⁷ Often the costs and benefits cannot be computed in monetary terms, such as when the costs include time in prison or the social disapproval of arrest and conviction, or when benefits include the satisfaction of revenge or of outwitting the authorities. However, the individual must still compare these costs and benefits in order to decide whether the action is “worth it” to him or her.

This calculation does not presume that the criminal has a crystal ball to foresee future events. Many people make mistakes in calculating their future pay-offs, and when they do, they end up in dead-end jobs or in bankruptcy. When criminals make similar mistakes, they may end up spending the better part of their lives in prison. As Sullivan says, “The basic economic assumption does not maintain that people do not make mistakes but rather that they do their best given their reading of present and future possibilities and given their resources.”⁸

Economic theories can also be used to explain the policies of various criminal justice agencies. The economic view maintains that if society were willing to pay the social costs, virtually all crime could be eliminated.⁹ These social costs would include a tremendous increase in budgets of criminal

justice agencies, as well as the willingness to convict large numbers of innocent people.¹⁰ By maintaining the crime rate that we have, our society is saying in effect that the cost of reducing crime to a lower level is more than we are willing to pay. If crime were reduced to a lower level, it would result in a net social loss, since the costs would be greater than the benefits we would receive. Therefore, according to economic theory, the present level of crime represents an “optimality condition,” the point at which the total social loss for the society is minimized.¹¹

Implications and Conclusions

The classical and neoclassical schools represent an abandoning of the supernatural as an explanation of criminal behavior. Instead of viewing humans as puppets of the supernatural, the early classical criminologists argued that humans act on the basis of reason and intelligence and therefore are responsible for their own actions. To that extent classical criminology marks the beginnings of the natural approach to criminal behavior.

The classical school also marks the beginnings of the rationalistic, bureaucratic approach to criminal procedure. As such, the classical school was responsible for a wide-ranging reformation and restructuring of the criminal justice system. But after one hundred years of such reforms there was considerable dissatisfaction with the ability of classical ideas to achieve reductions in criminal behavior. This ultimately resulted in a break with the classical system of thinking, beginning with the positive school of Lombroso and his pupils. That school extended to criminology some of the ideas about human behavior that were beginning to dominate biology, medicine, psychiatry, psychology, and sociology at that time. In part, this school proposed an explanation of the failure of classicism to reduce crime: if crime is caused by forces beyond the control of the individual, then punishing the criminal will not be effective. Instead of punishing criminals, positivist criminologists argued that it is necessary to address the causes of criminal behavior whether they be biological, psychological, or social.

The recent revival of interest in classical criminology seems to reflect, at least in part, dissatisfaction with the effectiveness of positivist-oriented policies for the control of criminal behavior, just as the original switch to positivism reflected a dissatisfaction with the effectiveness of classically oriented policies.¹² Whether punishing criminals will be more successful today than it was one hundred years ago remains to be seen. Several recent reviews of the empirical research on the question of deterrence have all concluded that at the present time it is not possible to say whether or to what extent punishments actually deter crime.¹³

The appeal of classicism rests on its promise of crime control through manipulations of the criminal justice enforcement and punishment systems. As such, it is more attractive than the later theories that argue that crime can be reduced only by changing more fundamental social arrangements, such as redistributing legitimate opportunities or changing the capitalist economic system. Ultimately classicism must be judged on the basis of its ability to produce the results it promises.

Notes

1. See the entire issue of *Corrections Magazine* 3 (3) (Sept. 1977).
2. For a review of theoretical issues, see Franklin E. Zimring and Gordon J. Hawkins, *Deterrence*, University of Chicago Press, Chicago, 1973; Johannes Andenaes, *Punishment and Deterrence*, University of Michigan Press, Ann Arbor, Mich., 1974; and Jack P. Gibbs, *Crime, Punishment, and Deterrence*, Elsevier, New York, 1975. Gibbs's book reviews the empirical studies, as does Alfred Blumstein et al., *Deterrence and Incapacitation*, National Academy of Sciences, Washington, D. C., 1978. For a briefer but very thorough presentation of both theory and empirical studies, see E. A. Fattah, “Deterrence: A Review of the Literature,” *Canadian Journal of Criminology* 19 (2): 1–119 (Apr. 1977).
3. This term refers to the use of mathematical techniques to test and apply economic theories. See Richard F. Sullivan, “The Economics of Crime: An Introduction to the Literature,” *Crime and Delinquency* 19 (1): 138–49 (Apr. 1973).
4. Gary S. Becker, “Crime and Punishment: An Economic Approach,” *Journal of Political Economy* 76 (2): 169–217 (Mar.–Apr. 1968).
5. Becker, op. cit., p. 14; Sullivan, op. cit., p. 139.
6. Sullivan, op. cit., p. 141.
7. George J. Stigler, “The Optimum Enforcement of Laws,” *Journal of Political Economy* 78: 526–36 (May–June 1970).
8. Sullivan, op. cit., p. 142.
9. Becker, op. cit., pp. 18–19.
10. John R. Harris, “On the Economics of Law and Order,” *Journal of Political Economy* 78: 165–74 (Jan.–Feb. 1970). See also Stigler, op. cit., p. 80.
11. Becker, op. cit., pp. 18–24; Stigler, op. cit.; Sullivan, op. cit., p. 143.
12. For example, James Q. Wilson, *Thinking About Crime*, 2nd ed., Basic Books, New York, 1984; Ernest van den Haag, *Punishing Criminals*, Basic Books, New York, 1975.
13. See, for example, Gibbs, op. cit., p. 217; Daniel Nagin, “General Deterrence: A Review of the Empirical Evidence,” in Alfred Blumstein, Jacqueline Cohen, and Daniel Nagin, eds., *Deterrence and Incapacitation: Estimating the Effects of Criminal Sanctions on Crime Rates*, National Academy of Sciences, Washington, D.C., 1978, p. 136; Charles R. Tittle, *Sanctions and Social Deviance*, Praeger, New York, 1980, p. 24; and Linda S. Anderson, “The Deterrent Effect of Criminal Sanctions: Reviewing the Evidence,” in Paul J. Brantingham and Jack M. Kress, eds., *Structure, Law, and Power*, Sage, Beverly Hills, Cal., 1979, pp. 120–34.

Critical Thinking

1. What do you think is meant by the term *econometrics*?
2. How can a cost-benefit analysis be applied to crime?
3. How is an economic model of crime rational? As a criminological theory, how is it classical?
4. What is the solution to the crime problem in the neo-classical view?