

*Evil is unspectacular and always human  
And shares our bed and eats at our table.*

—W.H. Auden, (1907–1973)  
British Poet, quoted from “Detective Story”

## ■ I N T R O D U C T I O N ■

We are both fascinated and repelled by criminal behaviour. The media feed our fascination with seemingly endless coverage of crime and profiles on criminals, who sometimes become household names. It is perhaps not surprising that some of us worry more about becoming a victim of crime than any other possible misfortune. Why do people commit criminal acts? Why do we consider certain behaviours criminal and others merely “bad”? How can our society reduce criminal activity? The attempt to answer these complex questions is the basis of **criminology**. Criminologists analyze the nature, causes, and means of dealing with crime, and, as you will learn, they do not always agree. This chapter will explore some of the historical and contemporary theories relating to our criminal justice system.

## Historical Perspectives on Criminology

### Classical Criminology

Cultures around the globe have unique perspectives on criminal law and justice. You have already explored, for example, Iroquoian and Babylonian origins of law in Chapter 2. The theories on criminology presented in this chapter come from Europe, where Canadian criminal law also has its roots.

Classical theories of criminology came about in response to the chaotic systems of justice in Europe during the eighteenth and early nineteenth centuries. The two most famous proponents of the classical school of thought were Italian theorist Cesare Beccaria (1738–1794) and English philosopher Jeremy Bentham (1748–1832). Beccaria and Bentham were interested in how law-making and the legal process affected the incidence of crime in society.

In his book *On Crimes and Punishments*, Beccaria argued that human beings were driven

primarily by self-interest, but that they would be rational in their actions. Weighing the possible consequences of their actions, individuals would conclude that it was ultimately in their best interests to limit some of their freedoms. For example, people would forfeit the freedom to drive through a red light in exchange for their personal peace and security. Beccaria suggested that the role of government should be to act on behalf and in the best interest of all citizens; therefore, each citizen should be prepared to forgo a certain amount of personal freedom in exchange for the protection of the state. He believed the very existence of the law should act as a sufficient deterrent to those likely to break it, and the punishment enacted should be proportionately greater than the pleasure derived from a criminal gain.

Jeremy Bentham's view was based on the philosophy of **utilitarianism**, which is the belief



that law should ensure the greatest good for the greatest number of people. Law, according to Bentham, should be based on a social contract between the government and the people, with each side accepting certain consequences if the contract were broken. Bentham argued that it was the role of government to make clear what sorts of behaviours would be considered criminal and to establish limits on the degree to which government could use its power to punish citizens.

Bentham and Beccaria both believed that government could control crime by enacting laws that were seen by people as being in the best interests of society. The government would also have to ensure the enforcement of these laws through the use of swift and certain punishment.

## Positivism

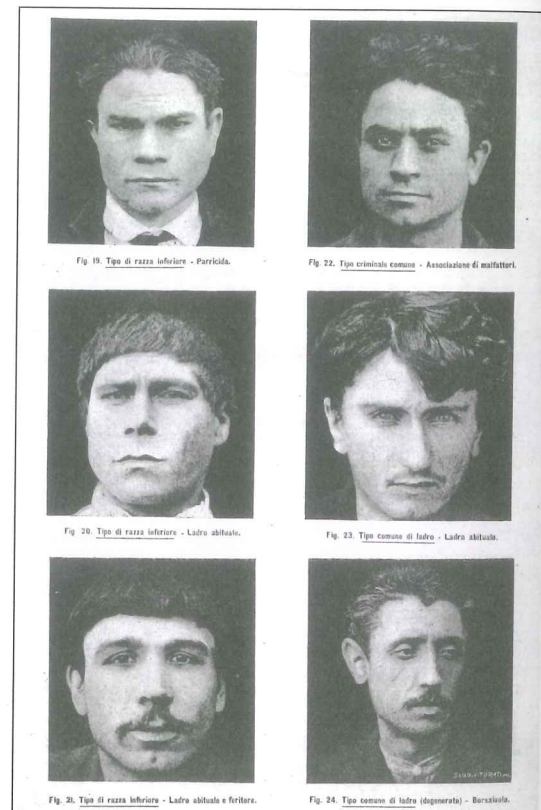
During the late nineteenth century, a new movement began that would challenge the classical position. The **positivist** school of thought focused on biological and psychological factors—rather than the legal system—to explain criminal behaviour. Adherents to this movement attempted to support their theories by applying scientific methods to their study of human behaviour. The importance of the positivists' theories lies not in how right they were, but in how incredibly wrong some of them were.

One of the better-known positivists was Italian physician and psychiatrist Cesare Lombroso (1835–1909). Lombroso studied the cadavers of executed criminals in an effort to determine scientifically whether criminals were physically any different from non-criminals. Lombroso argued that serious offenders had inherited criminal traits. He believed that there was such a person as a “born criminal” and that specific physical features reflected a criminal mind. The features that criminals Lombroso studied had in common included, for example, enormous jaws and strong canine teeth.

During the 1960s, criminologists of the positivist school argued that the explanation for criminal behaviour might lie in chromosomal abnormalities. The XYY theory argued that

violent male criminals have an abnormal XYY chromosome (XY is the normal pattern in males). However, researchers soon discovered this was not true: many male criminals did not have the abnormality, and some men who did have the abnormality had never committed any crimes.

The notion that criminals were *born* rather than *made* continued over the past century but fell out of favour in part due to the moral implications. If criminals were born, it would simply be a fact of life for which no one—not parents, society, or even the criminals themselves—could be blamed. At the same time as some of the positivist theories were being discredited, new theories emphasizing “nurture” over “nature” as the cause of crime began to be explored.



**FIGURE 9.2** Lombroso wrongly believed that a person could be trained to recognize criminals based on their common facial features. He developed charts in which various faces were classified into categories of criminals. The faces in this group, for example, were murderers. What criticisms can you make of this classification system?

## Sociological Perspectives

Other criminologists began to focus their research not on the individual or the legal system, but on external physical and environmental factors as major contributors to criminal behaviour.

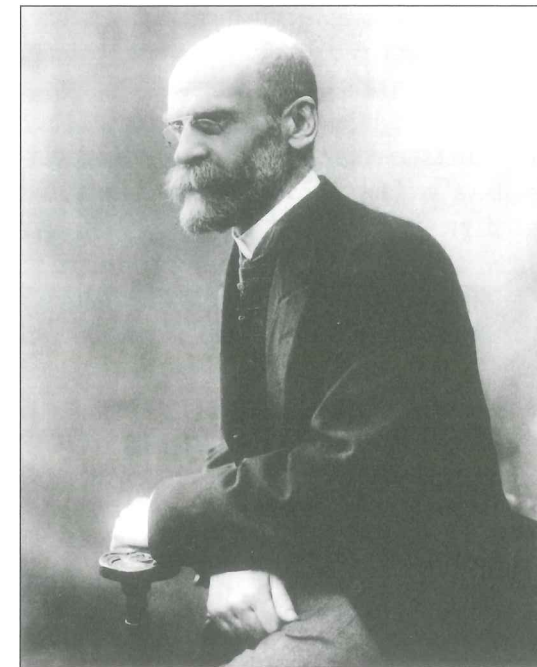
### Theory of Anomie

One of the first exponents of the **anomie theory** was French sociologist Emile Durkheim (1858–1917), who argued that as society moved from a rural to an urban setting, the traditional values and bonds that regulated an individual's behaviour within the group were weakened. From this shift flowed what Durkheim called “anomie,” a concept describing the individual's isolation in an urban setting. No longer restrained by the norms of society and given the anonymity that comes with living in a big city, certain individuals, according to Durkheim, turned to crime.

In another theory, Durkheim argued that since crime has always existed and is found in all communities, both wealthy and economically challenged, it might serve a useful function. If there were no crime, it would mean that everyone in society was the same and agreed on what was right and wrong. A society in which no one challenged the prevailing opinion would be too conforming. Durkheim pointed to the Greek philosopher Socrates, who, as you read in Chapter 3, was considered a criminal and sentenced to death for challenging the social order. Individuals, such as Socrates, who challenge the prevailing view often force society to change for the better.

### Ecological School

During the 1930s, scholars at the University of Chicago took Durkheim's ideas further, arguing that criminal behaviour was indeed fostered and encouraged in certain environments. The **ecological school** studied a number of poor or transient neighbourhoods and concluded that communities that suffered from high rates of poverty and social disintegration were more likely to condone



**FIGURE 9.3** Emile Durkheim believed that urban living afforded people a level of anonymity that allowed them to commit crimes. When you think of present-day cities, do you think his theory holds more or less merit than it did when Durkheim developed it back at the turn of the twentieth century?

criminal activity than were more affluent neighbourhoods. This idea was soon countered by theories pointing to capitalism as the true cause of crime.

**Social conflict theories** of the mid-nineteenth century arose from the theories of Karl Marx and Frederick Engels who argued that in a capitalist society, which encouraged competition for resources and wealth, crime was inevitable. Also, in a capitalist society, those in political power controlled the definition of crime and, therefore, were more likely to punish criminals who were economically disadvantaged than criminals belonging to the corporate elite. According to Marxist theorists, our justice system protects those with power and property against those who have little of either.

### Consensus Theory

Other criminologists disagree with the social conflict theories, arguing that crime is not a polit-

*It is obviously impossible for criminality to be inherited as such, for crime is defined by acts of legislature and these vary independently of the biological inheritance of the violators of the law.*  
—Sutherland and Cressey, 1924



ically defined concept; rather, crimes are behaviours that most people would consider wrong. **Consensus theorists** assume there is a universal definition of right and wrong and that criminal laws reflect this consensus. They argue that criminal laws prohibit behaviours that society has agreed are harmful, and that these collective

prohibitions are applied to all classes of people. Criminal codes, for example, outline crimes against property but also include laws banning insider trading, fraud, and other types of white-collar crimes. Criminals, according to supporters of the consensus theory, choose not to accept the view of the majority.

### CONFIRM YOUR UNDERSTANDING

1. What evidence do you see for Beccaria's or Bentham's views in the following quotation from the American Declaration of Independence of 1776?  
We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness....That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed....That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness....
2. Examine the *Canadian Charter of Rights and Freedoms* (pp. 514–517). Identify evidence of classical theory in our *Charter* and explain your choices.
3. The classical theory suggests that criminal behaviour is the result of rational choice and that people will be deterred by punishment. What arguments would you use to counter this position?
4. Create a comparison chart highlighting the key arguments of classical and positivist criminology.
5. Explain Durkheim's theory of anomie. Provide three counter-arguments to this theory.
6. a) Explain the key differences between the following criminal theories: ecological school, social conflict theory, and consensus theory.  
b) Write a short argument outlining which of the above theories you would be most likely to support.

## Contemporary Theories of Criminal Deviance

Newer theories of criminal deviance employ more sophisticated methods of data collection and interpretation but still echo many of the theories of the past. Classical theory has evolved into **rational choice** and **deterrence theories**. They suggest that many criminals carefully calculate the costs and benefits of engaging in criminal activity. Persons who are likely to commit crime value the excitement and thrill of breaking the law and are willing to take greater chances than other people. However, if the risks outweigh the

benefits and punishment is almost certain, only the most irrational person would continue to break the law.

### Sociological Theories

Some criminologists argue that people commit crimes when they believe they cannot achieve their desires and goals through legitimate means. This is known as the **strain theory** and has its roots in the ideas of Emile Durkheim. Modern supporters of this theory suggest that in current

societies that stress the goals of acquiring wealth, success, and power, the means to achieve these goals, such as education or economic resources, are denied to those who are economically disadvantaged or have little opportunity for formal education.

Social psychologists place more emphasis on the **socialization theory**; they suggest that the key influences leading to criminal behaviour are found in upbringing, peer groups, and role models. **Social conflict theorists** continue to be influenced by Marxist economic views that the root cause of crime is in the unfair economic structures of capitalism.

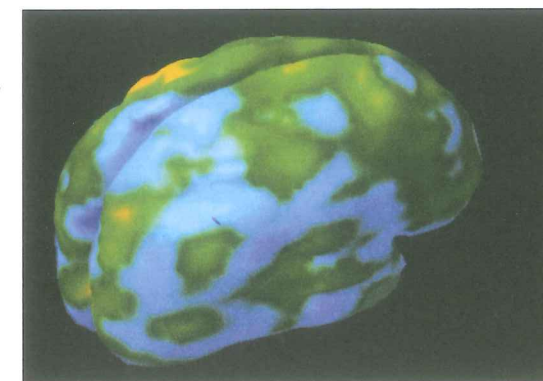
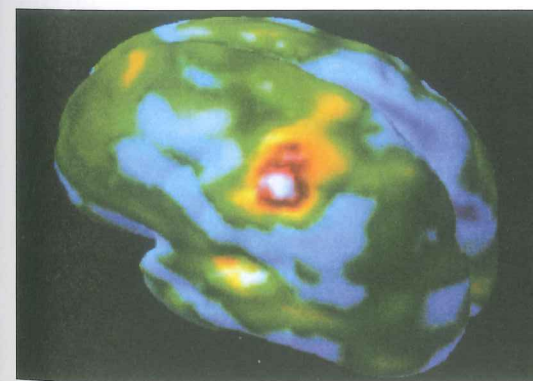
### Contemporary Biological Theories

Positivist theories have also been revisited as a result of the enormous research now being done in biology and genetics. The modern version, sometimes referred to as **biological trait theory**, argues that certain human traits, such as intelligence, personality, and chemical and genetic makeup, may predispose certain individuals to engage in criminal behaviour. Biochemical research suggests that poor diet; the influence of hormones, especially male hormones (androgens); or exposure to alcohol or drugs while in the womb could cause a person to become a criminal. Defence lawyers have used this view to

excuse their clients' criminal conduct. For example, in 1979 lawyers for Daniel White, the confessed killer of the mayor of San Francisco, argued White's actions were caused by an addiction to sugar-laden junk food. This so-called "Twinkie defence" was successful in reducing White's sentence.

**Neurophysiological theorists** focus on the study of brain activity and argue that certain neurological dysfunctions are connected with criminal activity. Others have pointed out the connections between crime and genetics. Some studies done on identical and fraternal twins suggest the tendency to engage in criminal behaviour may have a genetic component. Other studies argue that the evidence is inconclusive, pointing out that the results of the twin studies are weak since not enough attention was paid to other possible influences, such as upbringing and environment.

The controversy over what makes some individuals turn to crime continues. Most criminologists today recognize that the answer is extremely complex and that it is unlikely that a single trait or inherited characteristic can explain crime. However, many are convinced that biological and mental traits interact with environmental factors to influence human behaviour, including criminality.



**FIGURE 9.4** Research on brain activity is done at the University of Montréal using 3-D scans. These images are examples of the types of 3-D scans researchers use to study neurological dysfunctions. (The photo on the right is a normal brain showing glucose consumption with sensory activity, while the photo on the left shows glucose consumption without sensory activity.) Explain why you feel it is, or is not, a good idea for researchers to work on discovering connections between neurological dysfunction and criminal activity.

## CONFIRM YOUR UNDERSTANDING

1. How does classical theory relate to the contemporary theories of rational choice and deterrence?
2. How would the strain theory of crime explain white-collar crimes such as insider trading and fraud?
3. Prepare a Venn diagram showing the difference/connection between the sociological and biological contemporary theories of crime.