The Historical Background Of The Emergence Of Classical Criminology Theory

Society has, and always will, face the issue of violence, whether that is due to an individual's genetic makeup or whether it is simply an issue of violence being a central problem for any group (North, Wallis & Weingast, 2009, p. 13). At best, violence can be managed and contained, rather than completely fixed and eliminated. As suggested by North, Wallis & Weingast (2009, p. 13), violence can either be an action of a single individual (institutions) or due to organised groups (organisations). To further understand this in a broader criminological understanding, the classical criminology theory that was most prominent during the 18th century time will be discussed. This essay will unpack the key institutions and organisations underpinning classical criminology theory during the 18th century in England.

Classical Criminology Theory

To begin, we must first understand classical criminology theory. Classical criminology discusses 'deterrence'; the idea that it is better to prevent crime rather than to punish them. Cesare Beccaria became known as the 'Father of Classical Criminology' and produced his most famous work "On Crimes and Punishment (1764)" which set the basis for a long and progressive change in the criminal justice system. Beccaria suggests that 'deterrence assumes that: people are rational, people's behaviour is a product of free will and that people are also hedonistic' (Beccaria, 1764).

As suggested by Bernard, Snipes and Gerould (2010, p. 14), classical criminology theory appeared during a time when "the naturalistic approach of the social contract thinkers was challenging the spiritualistic approach that had dominated European thinking for over a thousand years". Beccaria's (1764) work was based primarily on 'free-will rationalistic hedonism' that went back centuries. Beccaria (1764) argued that punishments should be in proportion to the severity and seriousness of the offenses, essentially so that the cost of crime always exceeds its reward, thus leading in potential offenders becoming deterred from committing crime (Bernard, Snipes & Gerould, 2010, p. 14). Moreover, classical criminology theory helped change the way in which criminal law and the nature of punishment were called into question, primarily due to how important it was to think about both society and the state in terms of social contract (White, Haines & Asquith, 2011, p. 24). It also developed the basis for our modern criminal justice systems that we see in the present day.

Institutions

Moreover, it is integral to identify both institutions and organisations and the role they play when examining and understanding criminology and the problem of social order.

As suggested by North, Wallis and Weingast (2009, p. 15), "institutions are the rules of the game, the patterns of interaction that govern and constrain the relationship of individuals" (North, Wallis & Weingast, 2009, p. 15). Institutions can include 'formal rules, formal social conventions, written laws, shared beliefs about the world, informal norms of behaviour as well

as the means of enforcement' (North, Wallis & Weingast, 2009, p. 15). Institutions also play a major role in how certain individuals form their own beliefs and opinions about the ways in which other individuals may behave and fit into society (North, Wallis & Weingast, 2009, p. 15). Examples of institutions are religion, ideology, trade unions, capitalism and the law.

Influential institutions in 18th century Europe were predominantly the law and religion; for example, in 1736, the 'Gin Act' was passed and led to large riots and a lack of social order in 1743 as the government attempted to reduce public indecency and unruliness through taxation (Emsley, 1997). This allows us to see that during the 18th century, institutions such as the law were primarily in charge and overall made the rules that governed individuals during this time. As suggested by the Emsley (1997) at the beginning of the 19th century, 'social order became a crucial governmental policy as a large amount of new Act's aimed to curtail peoples behaviours and protect business and property' (Emsley, 1997). This essentially led to massive reforms and the beginning of a new criminal justice system.

In conjunction to this, classical criminology theory during the 18th century empowered institutional change significantly as it set the basis for the criminal justice system we recognise today in 2019. As Beccaria (1764) suggests, classical criminology theory was a more 'rational and logical approach' the criminal justice. The main ideas made by Beccaria are - "1: he believed that there should be a role of legislations to define crime and define the specific punishments for each crime. 2: the role of judges should be to determine guilt and whether the defendant had actually committed a crime and 3: the seriousness of the crime and the extent to which it had affected society" (Beccaria, 1764). Beccaria also stated that the "laws should be published so that the public could essentially see what the laws are, that capital punishment should be abolished, that jails should be more humane, and that torture and secret accusations should also be abolished" (Beccaria, 1764).

These views were considered to be quite radical during the time, however, evidently they were extremely influential for the time and as a result, classical criminology theory empowered institutional change very much so, as we can now see this very clearly throughout our criminal justice system in 2019. An example of this in the present day is that capital punishment for murder was abolished in New South Wales in 1955, and the death penalty for piracy and treason was abolished 1985 (Law Council of Australia). This theory has far more pros than it does cons, as it essentially set out the basis for a more equal and fair criminal justice system in both the past and the present day.

Organisations

Moreover, in stark contrast to institutions, organisations make up of a specific group of people who are following a set amount of common and individual goals through "partially coordinated behaviour" (North, Wallis & Weingast, 2009, p. 15). "Organisations are generally made up of people who are associated with each other constantly, and members of most organisations create shared beliefs about behaviour of other members" (North, Wallis & Weingast, 2009, p. 16). 'Most organisations also have their own internal structure such as the rules, shared beliefs and normal behaviour that essentially influence the ways in which people behave throughout this organisation' (North, Wallis & Weingast, 2009, p. 16). Examples of organisations are groups of people with common goals, for example the state, the church, political parties, schools, the courts and family. During the 18th century, the criminal justice system was

‘arbitrary and largely run for the benefit of the aristocracy and the church’ (Bernard, Snipes & Gerould, 2010) however, a new era was already forming and this was when Beccaria began to write his essay on how the criminal justice should be; it was a time of change, not only for the criminal justice system, but for the people who began to see that they had their own free will and certain rights in which the government had to protect (Oberwittler, 1990).

The influential organisations during the 18th century was predominantly the government and political parties. Importantly, the government was adopting the ‘social contract philosophy’, whereupon it had to serve the people, rather than have the people serve the government (Williams & McShane, 1998, p. 2). At this point, we are able to see the shift where classical criminology theory comes into play. In addition to this, another influential change was that prior to classical criminology, crime was associated with sin and generally punishment included torture, as the state believed that it was acting in the place of God (Williams & McShane, 1998, p. 2). However, upon having classical criminology emerge, there were many positive and impactful changes that occurred in society (Bernard, Snipes & Gerould, 2010, p. 15) and the shift from such barbaric punishment had begun.

In this instance, the organisations during the 18th century was extremely influential and allowed for a progressive and extremely significant change that needed to happen; there are very little cons to make note of, however it is important to suggest that a con may have been that during this progressive time, a controversial theory such as classical criminology may have disrupted social order very significantly (Rogers, 2017).

Also, in conjunction to this, key organisations such as political parties and the government opened access to privileges as it essentially changed the way in which society operated. Prior to classical criminology, society and social order was far more ‘barbaric’ and divisive. However, due to organisational changes, there became many social, political and economic changes too. As suggested by White, Haines and Asquith (2011, p. 24), “the development of classical conceptions of law and the criminal justice system was grounded in the transition from feudalism and capitalism” (White, Haines &Asquith, 2011, p. 24). This allows us to see a new access to privileges that were not previously seen in 18th century Europe.

The access to privileges affected the mechanisms and techniques of social control during the 18th century as it essentially changed that way in which society operated; ‘the institutions of power and social relationships saw the most revolutionary change’ (White, Haines & Asquith, 2011, p. 24). In addition to this, “economies that were based primarily around agriculture moved to become more commercial market economics, and in politics, the rule of the landed aristocracy was challenged heavily by the capitalist class” (White, Haines & Asquith, 2011, p. 24). Therefore, the push for social change was beginning, primarily due to the organisations and institutions that were prominent during this time.

And lastly, the emergence of classical criminology during the 18th century did indeed challenge the dominant social order during this time primarily because it was the first shift in the criminal justice system that was seen to be more ‘modern’ and progressive. As suggested early, the work of Beccaria was quite controversial at the time and it did challenge the typical social control that was seen. Prior to this theory, social order in the 18th century was generally brutal and had less structure when it came to the criminal justice system, however, upon seeing the emergence of the classical criminology theory, a more structured and fair approach to law and crime was seen. The laws and punishment to certain crimes became more known to the general

public which allowed for organisations and institutions to follow the law more effectively.

Finally, in conclusion, it is evident that during the 18th century, the institutions, such as the law, religion, ideology and capitalism played a major part in how crime was handled and how punishment was carried out. Meanwhile, the organisations such as the state, the church and political parties also played a major part in how crime and punishment changed and essentially paved the way for a new and improved criminal justice system. Moreover, this essay discussed the work of Beccaria (1974) and how his classical criminology theory was the mastermind theory behind the changes that both organisations and institutions experienced during the 18th century; this theory being incredibly influential for the time and opening up privileges that had not been seen previously.