Theories of Criminology and the Concepts of Justice

**Why Do People Commit Crime?**

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

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

The study of why people commit crime is important, however, there are many theories that try to explain criminal behaviour.

Criminologists use a variety of different explanations varying from physiology, biology, psychology, sociology, politics, and economics. The following chart gives an overview of a few theories on the causes of criminal behaviour. This is not an exhaustive list, as there are as many theories about causes of crime as there are crimes themselves.

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| Theory of Crime | Characteristics or Beliefs of Theory | Theoretical Solutions to Crime |
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| Classical Theory | According to Cesare Beccaria crime is caused by the individual free will. Human beings are rational, and make decisions freely and with understanding of consequences. Persons rationally choose actions that will bring them pleasure. Crime is an immoral form of behaviour. | Punishment is because people choose to commit a crime. The punishment should be severe enough to deter criminals from committing a crime. The punishment should fit the crime. Beccaria believed that the law should be impartial and that all persons are equal under the law. The role of the government is to control crime by enacting laws and ensuring that the laws are enforced through swift punishment. In this theory, more prisons and stiffer criminal laws with greater penalties for offenders are considered to be the best solutions to crime. |
| Positive Theory | An early 20th century theory put forth by Cesare Lombroso argued that people’s actions are determined by biological and psychological factors. In the 1960s this theory argued that criminal behaviour resulted from chromosomal abnormalities. The idea is that criminals are born, not made. | Positivists, such as Lombroso, believed that punishment should fit the criminal instead of the crime. They argue that the causes of crime are biological or psychological and as a result, there should be indeterminate sentencing, since people should be incarcerated only until rehabilitated. |
| Psycho-Analytical Theory | Sigmund Freud believed that all humans have criminal tendencies. It is through socialization that these tendencies are controlled during childhood. If a child has an identity problem with his/her parent, this problem may cause the child to direct its antisocial tendencies outward and thus become a criminal. | Strong socialization is needed to prevent criminal behaviour. Focus on rehabilitation to redirect criminal tendencies. |
| Sociological Theory | Emile Durkheim believed that the social environment caused the criminal behaviour. People in big cities are able to stay anonymous and as a result do not feel the constraints of society as strong. Weak or broken bonds to family, school, and religion are the catalysts to criminal behaviour. People engage in criminal behaviour because they do not see the benefits of adhering to conventional social values, and believe crime is a way to improve personal social conditions. | Positive alternatives divert peoples’ actions away from criminal activity and create a sense of belonging, competence, and empowerment. Social programmes that change the cultural and social conditions thought to lead people into crime are the best solution. |
| Social Conflict Theory | Karl Marx and Frederick Engels argued that the capitalist society encouraged crime as people competed for resources and wealth. | Our society protects those with power and property. As a result, people who are economically disadvantaged are more likely to be punished by our justice system. The only way to solve the crime problem is to eliminate the capitalist system |

Analysis Questions:

1. Consider each of the theories regarding causes of crime, and the hypothetical solutions each theory offers. Identify whether you accept or reject the theory, and indicate why you made that decision.
2. Theories about the causes of crime are plentiful. Using the Internet, libraries, and other resources, choose a theory NOT discussed above and research the key ideas associated with this theory. Do you accept or reject the theory? Explain why.
3. The National Council of Welfare release a report in 2000 entitled *Justice and the Poor*. Use the Internet. Review the document section on “Who Commits Crime?” According to the document, who is at the greatest risk of committing a crime and why? Find one revelation from the document that surprised you and explain why. Why are reports such as this one important in understanding crime and our justice system?
4. The majority of people in society do not commit crimes. Why do you think people obey the law?

“Concepts of Justice” Questions:

1. The history of the Criminal Code shows that laws are often reformed to reflect changing societal values. Which laws do you think will be subject to change in the next ten to twenty years? Why?
2. Part of the Canadian legal tradition is the premise that it is better for ten guilty persons to be set free than for one innocent person to be convicted unjustly. Do you agree with this premise? Explain.
3. Do you believe that justice is truly blind and that all citizens are treated equally under the law?
4. Compare the adversarial and the inquisitorial justice systems. What system do you believe best serves justice and why?
5. Criminal law reflects the moral values of society. The debate between law and morality can best be demonstrated in the 1988 Morgentaler case. The Supreme Court determined that the Criminal Code provisions making abortion illegal were invalid because they conflicted with the Canadian Charter of Rights and Freedoms. Review the Charter and determine which section would be violated if women did not have the right to have an abortion.
6. Which of the concepts of justice discussed do you believe to be the most important in the Canadian judicial system?