

CMY3701 summary/essay of the classical school for 15 marks

written by

Chanell



The study-notes marketplace

Buy and sell all your summaries, notes, theses, essays, papers, cases, manuals, researches, and many more...

www.stuvia.co.za

C. Deyzel

Classical school (15 Marks)

This is a summary of the classical school, including my own examples; I used these as my own exam preparation and managed to obtain a distinction.

Please do not submit this essay as an assignment, there are direct quotes from the study guide. Use these for exam revision ONLY.

C. Deyzel

Classical school (15 Marks)

1. Introduction

The classical school grew out of the work of a group of Enlightenment Philosophers of the 18th Century, who argued that human problems should be addressed by the application of reason, rather than tradition, religion or superstition. At the same time traditional explanations of crime were being replaced by explanations that focussed on rationality, individual responsibility and free choice. The classical school emerged in response to the cruel punishments that dominated in that time.

2. Definition of a key concept

2.1 Classical school

The Classical school of criminology emphasises the importance of free will and views criminal acts as one that had been carried out consciously by the offender. The offender rationally weighed up the advantages and disadvantages of committing the crime. The main focus of classicist criminology is the operation of the criminal justice system. It is believed that if this system is operated in a consistent and predictable manner, that it would eliminate crime, because those who committed crime knew that they would not get away with it.

3. Assumptions of the classical school

3.1 Human nature

According to the classical school, people are self-interested, rational creatures, who are able to make and act in accordance with personal choices. The most important feature of the classical school is the offender as a person is capable of calculating what he or she wants to do. Punishment, *for example imprisonment*, is sometimes required to discourage law violators and serve as an example to others who might want to violate the law. Conformity is associated with rewards and rebellion is punished in the form of harsh prison conditions. *If an offender for example stole something, it was done out of free will, no one forced him/her into doing it and he/she was able to think rationally on how to carry out the crime. By calculating if the advantages of committing the crime outweighs the disadvantages, the offender would decide to commit the crime, when the offender gets caught he/she gets punished accordingly.*

C. Deyzel

3.2 Conception of society or social order

People follow their own selfish interests, since these will often conflict, this will result in chaos. People are rational creatures and see the advantages in giving up part of their freedom to do as they please, accepting a set of laws in exchange for protection of life and property from state. *For example people will obey/accept the laws of the road because they know that it has been put in place for their own protection.* A social contract is then put in place to try to maintain some kind of social order. A violation of the law is a violation of the contract and justifies the state's right to punish the offender.

3.3 Causes of crime

Since people are normally rational creatures, they seem to make decisions based on that the pleasures and gains for committing the crime outweigh the pain or punishment associated with it. According to this school of thought people are *hedonistic* – they try to maximise their own pleasure and minimise their own pain as much as possible. *For example, if a person planned on robbing a store and then see that there are security guards on duty who aren't usually there, the pain/punishment (guards-which could lead to prison) will outweigh the chances of the pleasures/gains (money) which would make a person decide against committing the crime.* The decision to commit crime is viewed as the consequence of a logical thought process.

3.4 Implications for policy

Criminal justice should be subject to a strict rule of law and punishments should be known, fixed and just severe enough to deter. The sentencing done by the judge should be done as publically as possible. The most appropriate solution to the crime should be clearly defined and consistently applied. According to this school of thought, a potential criminal will decide against committing a crime, because the punishment would be too costly for them. *For example, if the same crime is committed by a different offender, both should be punished in the same way, in doing so a foundation can be built on how certain crimes will be handled in the future and what the appropriate punishment should be for a particular crime.* However, punishment should be made to fit the crime and not influenced by the social or physical characteristics of the offender. The harm which a particular criminal action did to society was the criterion used by which the classicists judged the appropriateness of punishment. *For example the punishment given to someone who stole money would be less severe than someone who committed murder.*

C. Deyzel

4. Conclusion

Please provide own conclusion. Remember to indicate that this is your opinion, for example “this student is of the opinion that...” This is what you think about the theory. This is not a summary of your essay.