

CHAPTER 2

CRIME PREVENTION MODELS FOCUSING ON THE CRIMINAL

2.1 INTRODUCTION

Approaches to crime prevention can focus either on the victim or the offender. A crime prevention strategy could be made applicable to all the members of a community or only those at risk who have already been involved in offenses. Waller *et al.* (1997:3) describe the approaches as follows:

- ! “Social development - reducing the social factors that predispose persons to become persistent offenders - often focusing on potential offenders”.
- ! “Opportunity reduction - making crime more difficult, more risky or less rewarding to potential offenders - often focusing on potential victims.”

Naudé (1988:15) also distinguishes between two approaches, namely crime prevention models looking at the **criminal as an individual** and models aimed at the **crime situation**. In the individualistic approaches the emphasis is placed on treatment of the offender and prevention of crimes. The biological, psychological and legal sanctions and punishment focus on the individual criminal whereas the social model widens its approach by studying the environment in which the criminal was formed to act the way he does.

This Chapter starts off with a discussion of the individualistic approaches to crime prevention, namely the biological, psychological and legal sanctions and punishment crime prevention models. Although they are not directly related to CPTED or HONC, these crime prevention models form the originating foundations for crime prevention that finally culminated into CPTED. The society and situation based approaches will be discussed in depth in Chapter 3.

2.2 BIOLOGICAL CRIME PREVENTION MODEL

The biological explanation of crime includes theories about body types, glandular dysfunctions, chromosome irregularities and abnormal brain or nervous system activity as causal or predisposing factors (Mannle & Hirschel 1988:78). The Biological School argues that in most cases, criminals are predetermined or predisposed toward criminal behaviour by factors in their biological makeup

(Kratcoski & Kratcoski 1990:27). In the following pages a brief overview of this model will be analysed.

2.2.1 Pioneers

The biological model originated from the work of several pioneering scientists such as Cesare Lombroso, Enrico Ferri and Raffaele Garofalo, who led the way in developing criminology as it is today. However, it must be taken into consideration that Lombroso was the actual catalyst for using scientific methods in the studying of criminal behaviour.

Cesare Lombroso

- **Background**

Cesare Lombroso (1835 - 1909), born in Verona was the founder of the Biological School (Martin, Mutchnick & Austin 1990:21-27; Kratcoski & Kratcoski 1990:27; Sawyer 1972:63; Barkan 1997:124; Vold & Bernard 1986:37; Conklin 1995:34; Sabbatini 1997:1).

He advocated the assumption that human behaviour was determined by biological factors, disregarding the Classical School's approach that man has a free will. His ideas were influenced in a major way by the work of Charles Darwin. Darwin published his "On the Origin of Species" in 1859. In this work he advocated the theory of natural selection and survival of the fittest as regulating concepts in the interaction both between and within species (Martin *et al.* 1990:21-27; Kratcoski & Kratcoski 1990:27; Vold & Bernard 1986:36). It was Darwin who first coined the term "atavist man" and Lombroso later developed this concept into a cause of crime (Martin *et al.* 1990:27; Vold & Bernard 1986:37). Atavism means a throwback to an earlier stage of development (Kratcoski & Kratcoski 1990:27; Brown, Esbensen & Geis 1998:35; Barkan 1997:124; Vold & Bernard 1986:37; Quinney & Wildeman 1977:51).

Joining the Italian army as a physician in 1859, Lombroso developed an interest in criminal behaviour (Martin *et al.* 1990: 28; Kratcoski & Kratcoski 1990:27). During the four years he was stationed in Calabria he systematically measured and observed 3 000 soldiers. His observations led to his revelation that there is a relationship between soldiers having tattoos and those engaging in criminal behaviour (Martin *et al.* 1990:28).

Lombroso's original line of thought was also strengthened whilst working in mental hospitals throughout Italy during 1864 to 1872. He observed the mental patients in the same manner as he did the soldiers,

gaining more evidence for his assumptions (Martin *et al.* 1990:28). In 1876 he published *L'Uomo delinquente* (The Criminal Man), detailing his original thinking on the relationship between the physical constitution of an individual and his behaviour (Martin *et al.* 1990:28; Barkan 1997:124; Quinney & Wildeman 1977:51; Sabbatini 1997:1).

- **Atavism**

Lombroso is associated with the term “atavism”. He used this term as a description of people that he regarded as “throwbacks”, individuals that did not fully evolve (Martin *et al.* 1990:29; Brown *et al.* 1998:37). Lombroso identified these “born criminals” by their physical characteristics (Brown *et al.* 1998:35). However, he modified his concept of atavism towards the end of his career (Barkan 1997:125). Still thinking that most serious criminals were atavists, he assumed that one third of the criminal population could be estimated to be atavists. He labelled the rest as “criminaloids” or minor offenders, according to his research findings (Brown *et al.* 1998:35; Barkan 1997:125; Vold & Bernard 1986:38). According to Lombroso (Barkan 1997:124) the atavistic criminal had to be executed, as no other form of punishment would be effective.

- **Heredity**

Lombroso concluded that the principal cause of criminal tendencies could be found in heredity. He made a distinction between indirect and direct forms of heredity, the first being the result of being born into a “generically degenerate family” and the last being born into a family with criminal parentage, the condition being aggravated by the person’s environment or the education he or she received (Martin *et al.* 1990:29).

Lombroso, together with William Ferrero were amongst the first researchers to study the criminality of females (Brown *et al.* 1998:35). During these studies Lombroso and Ferrero (1895, 1996:29-33) measured and examined 52 female delinquents in the prison of Turin, and 234 in the Female House of Correction. They also examined 150 prostitutes and another 100 photographs sent to them by Madame Tarnowsky of Moscow. This study was done to determine the criminal types in women and their atavistic origin.

- **Typology**

Types of criminals

Lombroso developed a typology of criminals, including four general types namely - the born criminal, the criminal by passion, the insane criminal and the occasional criminal. He also divided the occasional criminal category group into four subgroups - the pseudo criminal, the criminaloid, the habitual criminal and the epileptoid (Martin *et al.* 1990:29).

The born criminal

Enrico Ferri was the originator of the term “born criminal”, although Lombroso’s usage of the term entrenched it in Criminology (Martin *et al.* 1990:30). Lombroso states that the born criminal has the same “... anatomical, skeletal, physiognomical, psychological, and moral characteristics peculiar to the recognised forms of epilepsy, and sometimes also its motorial phenomena although at rare intervals” (Lombroso & Ferrero 1895,1996:69; Martin *et al.* 1990:30).

The criminal motivated by passion

This category is distinguished by the high level of impetuosity and wildness displayed by the criminal (Martin *et al.* 1990:30). This type of criminal is spurred on “...by a pure spirit of altruism” (Lombroso & Ferrero 1895,1996:115). Lombroso (Martin *et al.* 1990:30) states that these individuals often commit suicide after committing their crime. Lombroso’s criminal of passion is more likely to be female than male, although he does not describe this aspect as the distinguishing characteristic of this type. Martin *et al.* (1990:30) cite the example of a wife killing her unfaithful husband as typical of a criminal of passion. Lombroso (1911:186) further argued that the remorse suffered by the true criminal of passion is of greater punishment than any penalty the law could inflict.

The insane criminal

This type of criminal is not able to discriminate between right and wrong, which is caused by an “alteration of the brain” (Lombroso 1911:74). Kleptomaniacs, nymphomaniacs, habitual drunkards and pederasts qualify to be labelled as insane criminals. Lombroso identifies a number of types of the insane criminal, namely the idiot, the imbecile, those experiencing melancholia and dementia as well as those suffering from general paralysis (Martin *et al.* 1990:30; Vold & Bernard 1986:38).

The occasional criminal

This broad category includes four subcategories, namely the pseudocriminal, the criminaloid, the habitual criminal and the epileptoid.

- **Pseudocriminal**

The pseudocriminal, also called the juridical criminal, "... break the law, not because of any natural depravity, nor owing to distressing circumstances, but by mere accident" (Lombroso 1911:115). Martin *et al.* (1990:31) give the person that kills in self-defence as an example of this type of criminal. According to Lombroso (Martin *et al.* 1990:30) this type of criminal does not pose a great threat to society.

- **The criminaloid**

Lombroso considers criminaloids the same as epileptoids, suffering from the same disease but to a lesser degree, meaning that ample cause for criminality has to be present for these individuals to act in a criminal manner (Lombroso 1911:101; Martin *et al.* 1990:31). Potential criminaloids have weak natures and can be easily swayed between good and evil. Circumstances can cause criminaloids to become habitual criminals. Therefore, Lombroso suggests that a fine be given for minor offences. He opposed any term of imprisonment for the criminaloid found guilty of a minor offence, feeling that it would bring this sort of offender in unnecessary and harmful contact with the habitual criminal, also lessening his respect for the law (Lombroso 1911:187; Martin *et al.* 1990:31).

- **The habitual criminal**

Habitual criminals regard their criminal activities as an occupation or a career. Criminals convicted for theft, fraud, arson, forgery and blackmail are also included in this category (Lombroso 1911:111; Martin *et al.* 1990:32).

- **Criticism**

Charles Goring refuted Lombroso's theory of atavism in 1913, causing criminologists for a short period of time to disregard the idea that criminals are physiologically different (Barkan 1997:126; Quinney & Wildeman 1977:60). He compared the physical characteristics of 3 000 English convicts with those of soldiers, students and hospital patients over a long period of time (Mannle & Hirschel 1988:78; Vold & Bernard 1986:52-53; Quinney & Wildeman 1977:60). The studies led him to the conclusion that there is no physical difference between a criminal and a non-criminal (Mannle & Hirschel 1988:78).

Goring criticised Lombroso for failing to make use of instruments to do his measurements. However, Goring's work determined a correlation between body types and certain types of crime (Brown *et al.* 1998:35; Martin *et al.* 1990:126; Vold & Bernard 1986:52-55).

2.2.2 Further developments

Raffaele Garofalo and Enrico Ferri were two students of Lombroso, and influenced by his views, while he was in turn influenced by their line of thought (Martin *et al.* 1990:32; Vold & Bernard 1986:37). According to Martin *et al.* (1990:32) these three men each viewed things from a different perspective, namely Garofalo from a legalistic, Ferri from a sociological and Lombroso from an anthropological perspective.

Garofalo's main contributions to the Biological School are the concepts of social defence and "natural crime" (Martin *et al.* 1990:32; Vold & Bernard 1986:43). Natural crime defines any crime not dependant on a particular situation and not susceptible to economic or political factors (Martin *et al.* 1990:33). Although Garofalo agreed with Lombroso that free will and hedonism must be abandoned he replaced the latter's theory of the criminal's physical inferiority with that of moral inferiority, focussing in his work on psychological factors such as the lack of compassion among offenders (Mannle & Hirschel 1988:77; Conklin 1995:35; Quinney & Wildeman 1977:54). This means that all true criminals lack some degree of moral sensitivity. His theory was still biologically based because he assumed moral deficiency to be an inherited trait (Mannle & Hirschel 1988:77).

Ferri's line of thought was more in line with that of Lombroso although he downplayed Lombroso's concept of the "born" criminal (Mannle & Hirschel 1988:77; Quinney & Wildeman 1977:52). Ferri ascribed the causes of crime to environmental factors such as social, political and economic conditions (Mannle & Hirschel 1988:77; Martin *et al.* 1990:38; Ferri 1901, 1996:36; Vold & Bernard 1986:40). Like Lombroso, Ferro also categorised the criminal into different classes, namely the born criminal, the insane criminal, the passionate criminal, the occasional criminal, the habitual criminal and the involuntary criminal. The last category was added to the classification system long after the others and is not discussed in full detail as in the case of the other categories (Martin *et al.* 1990:38-39).

Lombroso and his followers, also known as the Lombrosians, were sharply criticised by European scientists such as Gabriel Tarde, Henri Joly and Bonger, who accepted the sociological perspective of Guerry and Quételet (Quinney & Wildeman 1977:55).

Somatology

William Sheldon (1898 -1977) represents the last of the trend setters of the twentieth century biological determinists, who never wavered in their belief that a direct link between biology and personality existed (Martin *et al.* 1990:119). He is best known for his classification of body types as described in his book "Varieties of Delinquent Youth", published in 1949 (Barkan 1997:127; Martin *et al.* 1990:122). His theory of somatology described three body types, namely the endomorphs - fat, soft and round, mesomorphs - muscular and hard, and the ectomorphs - frail and weak (Sheldon 1949:726; Barkan 1997:127; Brown *et al.* 1998:36; Martin *et al.* 1990:130-133; Mannle & Hirschel 1988:78; Kratcoski *et al.* 1990:28; Vold & Bernard 1986:59).

The first type, endomorphic, is an extrovert and a lover of comfort. The second body type, mesomorphic, was considered as assertive and aggressive by Sheldon. Lastly, he described the ectomorphic types as being shy, sensitive and introverted (Kratcoski *et al.* 1990:28; Barkan 1997:127; Mannle & Hirschel 1988:78; Vold & Bernard 1986:59; Sheldon 1949). Sheldon regarded delinquents as being high in mesomorphy and low in ectomorphy (Brown *et al.* 1998:36-37; Vold & Bernard 1986:60-61; Sheldon 1949:799-802).

The relationship between body type and delinquency has until today not been successfully established (Kratcoski *et al.* 1990:28). Mannle and Hirschel (1988:79) criticise all theories of crime based on body type on three general grounds, namely:

- "...[T]he definition or description of body type lacks precision."
- "...[T]he relationship between body type, disposition, and behavior is unclear; that is, why don't all mesomorphs commit offences or why are not all offenders mesomorphs?"
- "...[R]esearch samples of criminals and delinquents have not included the large number of offenders who escape the criminal justice system."

Families and criminal heredity

Some biologists and medical researchers have made the assumption that criminal tendencies are inherited. Just as many medical problems such as high cholesterol and heart disease are often genetically transmitted, they believed crime to be transmitted in the same manner (Barkan 1997:128; Vold & Bernard 1986:85). Thus the theorists believed that the tendency to delinquency and other aberrations, such as mental illness and alcoholism are genetically transmitted from parents to children (Kratcoski *et al.* 1990:29).

Henry H. Goddard tested this theory with his study of the Kallikak family, titled "The Kallikak Family: A

study of feeble mindedness", in 1912. Tracing the lineage of Martin Kallikak, since the late 1700's, the one legitimate and the other illegitimate, he found a higher proportion of crime and other problems in one set of Kallikak's descendants than in the other (Brown *et al.* 1998:37-38; Barkan 1997:128; Mannle & Hirschel 1988:81; Vold & Bernard 1986:72-73). Goddard argued that this study supported genetic determination, failing to control environmental factors (Brown *et al.* 1998:38). Learning and environmental factors may explain his findings better than heredity if it is taken into account that the deviant set of Kallikak's descendants tended to live in poverty whilst the normal set lived a life of wealth (Barkan 1997:128).

Contemporary studies in heredity are twin and adoptive studies (Brown *et al.* 1998:36).

- **Twin studies**

Twin studies, usually conducted in Scandinavian countries such as Denmark because they keep records of twins and their contact with the police, were done in an attempt to isolate the relative effects of heredity and environment on deviant behaviour (Brown *et al.* 1998:36; Kratcoski *et al.* 1990:33).

The correlation in criminal behaviour between that of identical (monozygotic) and fraternal (dizygotic, genetically not the same) twins were usually compared to one another in these studies (Barkan 1997:129; Kratcoski *et al.* 1990:33; Brown *et al.* 1998:36; Vold & Bernard 1986:87). In the late 1970's, Dalgard and Kringler (Kratcoski *et al.* 1990:33; Vold & Bernard 1986:89) of Norway, found rates of involvement in criminological acts such as violence, theft and sexual assault to be more similar for pairs of identical twins than for fraternal twins. However, critics argued that other reasons than that of heredity could be the cause of the concordance. Apposed to other siblings, identical twins spend more time with each other, tending to have the same friends and teachers, therefore sharing a lot of experiences. They also tend to be treated in the same manner because of their physical likeness. Usually they are more attached to each other than in the case of other siblings because of the aforementioned factors. These likenesses can produce a similarity in attitude and behaviour, including delinquency and crime (Barkan 1997:129).

- **Adoption studies**

Barkan (1997:129) states that adoption studies were conducted to rule out the problems encountered in twin studies. Some researchers study identical twins separated at birth, predicting that any correlation in behaviour has to stem from genetic factors. However, such studies are few in number and the results usually of a mixed nature. Other researchers chose to study non-twin siblings,

adopted and raised by different sets of parents. This type of study tried to determine if children of criminal parents would also turn out to be criminals. Statistical correlation between criminal parents and criminal children was found (Barkan 1997:129). Studies conducted by Barry Hutchins and Sarnoff Mednick (Brown *et al.* 1998:36; Kratcoski *et al.* 1990:33; Vold & Bernard 1986:90-91) serves as an example of these findings, indicating that adopted children are more likely to offend if their biological fathers have criminal records than if their adoptive fathers have criminal records. Although significant data were found to support a genetic basis for crime, other researchers argue that a lot of children are not adopted directly after birth and that adoption agencies see to it that adoptive parents' socioeconomic status and other characteristics match those of the natural parents (Barkan 1997:129-130). Taking into account the methodological problems encountered in heredity and crime research, Barkan (1997:130) says that a genetic base for crime cannot yet be assumed.

- **Hyperactivity and learning disabilities**

In recent years hyperactivity has been studied as a possible cause of criminal behaviour in youths. Dividing learning disabilities into three broad categories namely dyslexia, aphasia and hyper kinesis, researchers found a high proportion of learning disabled youngsters amongst a population defined a delinquent (Kratcoski *et al.* 1990:32; Vold & Bernard 1986:37). Although such studies suggest a link between learning disabilities and criminal behaviour, no conclusive evidence has till date been found to substantiate such a causal relationship (Kratcoski *et al.* 1990:32).

Vold and Bernard (1986:102) also point out that social factors can have an influence in the process of a learning-disabled child becoming delinquent. If a learning disabled child has a poor academic record he might be perceived as a disciplinary problem in school. These two factors might cause the child to be labelled as a problem child and be placed with other problem children, encouraging him to associate with peers who are hostile and prone to delinquency, resulting in him mimicking their behaviour. Lastly, a learning disabled child could also suffer from a negative self image, caused in part by his disability and on the other hand by being socially awkward, creating the need for compensating success. All the abovementioned factors can be combined to produce an inclination towards criminal behaviour (Vold & Bernard 1986:102).

- **Biochemical explanations**

Studies have been conducted on the effect that chemical substances have on the neurochemical mechanisms in the body, trying to establish a link with criminal behaviour (Barkan 1997:131). A suggestion that chemical deficiencies or abnormalities in the body can effect the entire nervous system

and directly or indirectly lessen the ability of the individual to perform in a socially acceptable manner. Brain patterns can be altered by injury or disease, causing brain damage (Kratcoski *et al.* 1990:31).

Biochemical imbalances in the body may also arise from an inadequate or improper diet (Vold & Bernard 1986:98). Aggressive and out-of-control behaviour has even been linked to a deficiency of vitamins or certain kinds of foods (Kratcoski *et al.* 1990:31). Barkan (1997:134) gives the example of a San Francisco city supervisor named Dan White who based his defence on dietary and nutrition deficiency (eating too much junk food) after killing two people in 1978. Acceptance of this line of defence caused White to be convicted of manslaughter and not first degree murder. This indicates that diet and nutrition are apparently popularly thought to play a role in aggression and crime. However, recent reviews of diet and nutrition has only indicated a minor effect on criminality. This type of research also suffers from methodological problems (Barkan 1997:135).

2.2.3 Crime prevention and punishment

Lombroso suggests the placement of the insane in lunatic asylums and the deportation of those in full possession of their faculties as punishments for these criminals (Lombroso 1911:111; Martin *et al.* 1990:32).

While none of Lombroso's theories are accepted today, he was the first person to apply scientific principles to the study of criminals and his works were also important to the development of criminological thought (Brown *et al.* 1998:39; Vold & Bernard 1986:40; Conklin 1995:34). The evolution of his thinking led him to state towards the end of his publishing career that every crime is caused by multiple generators, which are often intertwined and confused. He also expanded his thinking to provide for degeneracy, admitting that passion or exceptional circumstances may cause an entirely normal person to become a criminal or pseudo criminal (Martin *et al.* 1990:32). Over a period of 20 years he revised and added to his book "*L'uomo delinquente*", eventually also taking environmental factors into account as causal influences on crime (Vold & Bernard 1986:37; Conklin 1995:35; Quinney & Wildeman 1977:52).

On the subject of crime prevention Lombroso (1911: xxxv; Martin *et al.* 1990:32) states the following "... [t]he statesman ... who wishes to prevent crime ought to be eclectic and not limit himself to a single course of action. He must guard against the dangerous effects of wealth no less than against those of poverty, against that of ignorance".

Although the search for the causes of criminal behaviour in our modern times are more sophisticated

than those used by Lombroso and his followers, no specific biological or physiological characteristic that causes criminal behaviour has yet been identified (Kratcoski *et al.* 1990:35). According to Naudé (1988:16) a combination of factors play a role in criminal behaviour, namely physiological factors (neurological disorders), psychological factors (emotional disturbances) and social factors (exposure to violence). These factors must be taken into consideration when treating the offender.

The sociobiological theory is based on various assumptions. Siegel and Senna (Bartolas & Dinitz 1989:137) disagree with the assumption that all people are born with the same potential to learn and perform. Sociobiologists therefore agree that people differ biologically. Education is also very strongly emphasised, although the influence of the interaction with one's sociological and physiological environment can better or worsen your ability to learn. These researchers regard the biological environment as an important factor in the prevention of crime and deviant behaviour.

Some research suggests that in some instances the employment of medicine with a biological base in the treatment of behavioural disorders can prevent criminal behaviour and assist a person to adapt socially. It seems that certain kinds of medication used in concert with therapy can reduce or control certain behavioural problems (Naudé 1988:16). Naudé (1988:16) also states that these findings could be used in the prevention of violent behaviour. Rather than concentrating on physiological and social treatment techniques in order to treat behavioural problems, more use can be made of the biophysiological viewpoint.

This model is not always correct and is very expensive. The investigation and measuring techniques that are used are very specialised, which hampers general application. Intervention can also only take place once the criminal behaviour has manifested (Naudé 1988:17).

Biological factors do not explain the majority of crimes that take place, only those of a violent nature, fuelled by aggression. It does not explain why a person with a biological tendency for violence chooses to commit a street-crime, rather than a physical activity such as soccer, which requires physical strength (Barkan 1997:136-137).

Barkan (1997:138) also considered the social implications of this model. In order for crime to decrease the biological defects that causes the crime must be changed. It is however very difficult to change the physiology of a person. Thus it indicates that if the physiology of a person cannot be changed, crime can also not be changed.

Eeysink and Gudjonsson (Barkan 1997:138) point out that some researchers stress the interaction between biological characteristics and environmental influences. Biological factors can determine that certain people are more likely to commit crime than others, but the influence of these factors are

swayed by the environmental influences.

2.3 PSYCHOLOGICAL CRIME PREVENTION MODEL

Psychology offers a means towards understanding individual behaviour in trying to explain why some people commit serious crimes while, generally most do not (Barkan 1997:139). “Modern psychoanalytic explanations see delinquency and crime rising from internal disturbances developing in early childhood because of interaction problems between parents and children.” (Barkan 1997:139). The two distinguishing features of this model are firstly an emphasis on childhood experiences to explain adult behaviour and secondly that many of the anxieties based on childhood experiences operate unconsciously in the minds of adults (Sue, Sue & Sue 1994: 42).

2.3.1 Pioneers

The psychological crime prevention model originated from the medical model, which regards deviant behaviour as a product of something rooted within the individual (Naudé 1988:17-18; Clinnard & Meier 1989:42). This placed the accent of treatment on the criminal who is regarded as being “sick”. Treatment of the criminal will start off by the compilation of his life history in order to determine the cause of the wrongful behaviour (Naudé 1988:17-18).

Sigmund Freud along with Emile Durkheim, Jean Piaget and many more started studies in the psychoanalysis, development of the personality and the moral development of the individual and criminal behaviour.

Sigmund Freud

- **Background**

Even though psychiatry is an established profession and as old as the profession of medicine, psychoanalysis is a somewhat new development associated with Sigmund Freud (Vold & Bernard 1986:111). Sigmund Freud (1856-1939), born in Friedburg, Moravia (now part of Czechia) and living most of his life in Vienna, is regarded as one of the biggest pioneers of psychoanalysis (Martin *et al.* 1990:67; Vold & Bernard 1986:111; Barkan 1997:139; Clinard & Meier 1989:44; Meyer, Moore & Viljoen 1993:43; Popenoe 1986:127). Feldman, Friedlander and Halleck (Barkan 1997:139) point out to the fact that although Freud mainly focussed on mental disorders and not criminal behaviour, his work provided the necessary groundwork for later theorists to built on in further psychoanalytical research on crime

and delinquency.

- **Levels of consciousness**

Freud divided the mental processes into three different levels, namely the conscious, the preconscious and the unconscious. The conscious deals with the customary and everything that people are instantly aware of. The preconscious serves as a type of memory area, easily accessible from the conscious. It also acts as a buffer zone between the conscious and the unconscious. Within the unconscious most of the mental activities and motivation are found, housing man's most basic desires, drives, instincts and needs. It contains all memories from childhood till death, a source of psychic energy that one can never fully control or be conscious of (Martin *et al.* 1990:67).

These levels of consciousness provide the foundation for Freud's theories and his separation of the personality into the three structural components of the id, the ego and the superego to explain its dynamics (Kratcoski *et al.* 1990:39; Conklin 1995:153; Martin *et al.* 1990:67; Barkan 1997:140; Hinkle & Hinkle 1954:52).

- **Id**

The id is present at birth and is the source of the most basic instincts and drives craving immediate fulfilment. This aspect of the personality is a dominating influence on the behaviour of unsocialised and unrestrained individuals (Conklin 1995:153; Martin *et al.* 1990:72-73; Barkan 1997:140; Coleman, Butcher & Carson 1980:54-55; Sue *et al.* 1994:43).

- **Superego**

The superego is the last aspect of the personality to develop and is described as the conscience or the sense of social responsibility deriving from the personification and internalisation of parental authority in the individual (Conklin 1995:153; Martin *et al.* 1990:72-73; Barkan 1997:140; Coleman *et al.* 1980:54-55; Sue *et al.* 1994:43).

- **Ego**

The ego is described as acting as the arbitrating force between the demands of the id and the superego, trying to reconcile the drives of the id with the demands of the superego by rerouting and sublimating those drives into what is considered to be socially acceptable behaviour (Conklin 1995:153;

Martin *et al.* 1990:72-73; Barkan 1997:140; Coleman *et al.* 1980:54-55; Sue *et al.* 1994:43).

According to Freud the probabilities for conflict between these three aspects are very likely to occur as the three subsystems might have very different aims (Conklin 1995:153; Martin *et al.* 1990:72-73; Barkan 1997:140; Coleman *et al.* 1980:54-55; Sue *et al.* 1994:43). The interplay among these systems is crucial in deciding the individual's behaviour (Coleman *et al.* 1980:55).

- **Typology**

Freud also developed a series of psychosexual stages which explains the child's development. These stages are the oral, anal, phallic, latency and genital stages and any mishap occurring during these developmental childhood phases impacts on events in later life (Freud 1917, 1989: 351-353; Popenoe 1986:128; Coleman *et al.* 1980:55; Sue *et al.* 1994:43-45; Klays 2001:2).

The oral stage

During the first year of infancy the focus is primarily on the oral cavity. The mouth is the primary source when dealing with the outside world and experiencing pleasurable sensations such as sucking and feeding (Sue *et al.* 1994:43; Coleman *et al.* 1980:55; Freud 1917, 1989: 338-339). If the infant is traumatised during this stage it can result in behavioural problems such as passivity, helplessness, obesity, chronic smoking and alcoholism in adulthood (Sue *et al.* 1994:43).

The anal stage

Towards the end of the second year the anal region becomes the source of pleasurable sensations. During this stage the child is usually toilet trained by parents, requiring the child to inhibit a normal biological urge (Sue *et al.* 1994:43; Coleman *et al.* 1980:55; Freud 1917, 1989: 340-341). As this new ability is normally not achieved smoothly the child's reaction may manifest in later adulthood as passive aggressiveness or obsessive compulsive behaviours (Sue *et al.* 1994:44).

Phallic stage

When the child is between three and four years old it starts to focus on the genital area and develops incestuous feelings for the parent of the opposite sex (Sue *et al.* 1994:43; Coleman *et al.* 1980:55; Freud 1917, 1989: 342-343; 352-353). This stage is critical to the sexual identity in later life. If the child does not successfully complete this stage he might suffer from impotence, frigidity, promiscuity and

homosexuality during adulthood. Anxiety disorders and personality disorders also originate in this stage. The superego is also developed during this stage (Sue *et al.* 1994:44).

Latency stage

According to Freud the formative years from six to twelve are predominately concerned with developmental skills, activities, interests and are devoid of any sexual motivation (Sue *et al.* 1994:43; Coleman *et al.* 1980:55; Freud 1917, 1989: 353). Strong social taboos inhibit the expression of sexuality and is therefore repressed by the child. During this stage children will be upset on encountering explicit sexual displays (Sue *et al.* 1994:45).

Genital stage

During puberty and adolescence the sexual urges reawaken and are characterised by speedy physical and emotional changes in the child. Heterosexual relationships are influenced by the psychological and physical changes that take place (Sue *et al.* 1994:43; Coleman *et al.* 1980:55; Freud 1917, 1989: 353). The child's first relationship is with its own body and true heterosexual love cannot develop until this affection is successfully transferred to a member of the opposite sex. During this stage a person's main concerns are heterosexual interests, stability, vocational planning, possible marriage and other social activities (Sue *et al.* 1994:45). It is clear that Freud's theories draw a correlation between childhood experiences and adult behaviour (Kratcoski *et al.* 1990:40; Freud 1917, 1989: 328-345). Despite the seeming rigidity of his thoughts, Freud continuously adapted and adjusted his theories during his lifetime (Kratcoski *et al.* 1990:40).

The psychoanalytical approach regards people as antisocial because of their nature (Conklin 1995:153). According to Aichhorn (Conklin 1995:153) a baby must be socialised not to become a criminal. He was also of the opinion that criminal behaviour was the result of previous psychological trauma or injury and repressed experiences during childhood. Both Freud and Aichhorn placed emphasis on the manner in which a child is raised (Martin *et al.* 1990:80-81). Thus the psychoanalytical theory emphasises the early childhood and the different stages of psychological development that correlate with the child's mastering of certain bodily functions (Kratcoski *et al.* 1990:39).

Clinard and Meier (1989:42) are of the opinion that experiences such as emotional conflict during childhood play a big, although not exclusive role in the determination of the structure of the personality as well as the patterns of later behaviour. This makes it important to study the experiences that people

had during their childhood as this can have a positive or negative influence on their later behaviour.

- **Criticism**

Freud's viewpoints have been severely criticised. Martin *et al.*(1990:83-88) provide a summary of the most basic criticisms expressed against the psychoanalytic approach: Freud's behavioural model is not empirically testable and was developed on the basis of experiences gained whilst treating patients from the upper middle class at his private practice. The emphasis placed on maladjustment as an explanation for criminal behaviour through an expansion of psychoanalytic theory was also not well received by all criminologists. Many among the latter were of the opinion that not everybody labelled as criminally deviant could be classified as mentally disturbed, being in many cases simply criminals. Another major source of criticism resided in the conclusion of the philosophers, who felt that Freud had been overly pessimistic in his views on human motivation and potential. Freud believed that no matter how much we are able to master nature and its forces, we will still not be able to obtain the pleasures we really wanted. Martin *et al.* (1990:85) attribute Freud's pessimistic outlook on life partly to the human catastrophes witnessed and experienced by him in, for example, the rise of Nazi Germany and the spread of cancer.

Thirdly, Freud is also reproved of being too biological by relying too heavily on instincts as motivators for behaviour. Lastly, Freud's disregard for social factors was also seen as a shortcoming in the psychoanalytical theory, Freud choosing to portray society as a mirror of the individual (Martin *et al* 1990:88). Vetter and Silverman (1986:384-385) also point out that Freud never had any direct contact with criminals. His psychoanalytical theory was not developed by himself as a criminological theory but rather as an explanation of all behaviour. The specific application of his theory was done by Freud's followers.

Despite these criticisms Freud's theories have had a widespread impact in the social sciences, permeating into the fabric of Western thought (Martin *et al* 1990:88). It must also be taken into account that a large number of the personality theories that are applied in the field of juvenile delinquency are based upon the psychoanalytical theories of Sigmund Freud (Kratcoski *et al.* 1990:39).

2.3.2 Further developments

After Freud's death followers and co-researchers, including Anna Freud, Heinz Hartman and Erik Erikson continued his work (Kratcoski *et al.* 1990:40).

Child psychology

Anna Freud was the youngest daughter of Sigmund Freud, the originator of psychology. She began her career under the guidance of her father and became the founder of child psychology. Building on the foundation that her father laid for the field of child psychoanalysis she studied the effects of World War I on the children who were separated from their parents or were orphaned (Bumb [s.a.]:1-7). Although she remained faithful to the basic concepts that her father developed she was more interested in the dynamics of the psyche than in its structure (Boeree 1998:1; Freud 1966). Whereas the elder Freud mainly focussed on adults, Anna devoted most of her time to the analysis of children and adolescents, trying to improve that analysis (Boeree 1998:1). She also used different techniques in analysing children's behaviour than that of her father (Bumb [s.a.]:1-7).

Anna Freud also concentrated more on the function of the ego, whereas Freud dedicated most of his time on determining the functioning of the id and the unconscious side of psychic life (Boeree 1998:1; Heller 1990). Her work started the ego psychology movement in Psychology, which represents most of today's Freudians (Boeree 1998:1). She published books like "The technique of child analysis", "Defence mechanisms" and "Normality and Pathology in childhood" (Bumb [s.a.]:1-7; Freud 1966).

Anna Freud ran her own practise and taught a course compiled by the Vienna Psychoanalytical Institute at the Vienna Training Institute (Bumb [s.a.]:6). She further lectured the teachers at the children's centres of Vienna on subjects such as infantile amnesia, the oedipus complex, infants' instinctive life and the latency period, as well as on the relation between psychoanalysis and pedagogy (Freud 1949). With Eva Rosenfeld and Dorothy Burlingham she also organised a school for local children in 1927. At this school alternative teaching methods (like the project method) were used and Anna made carefully catalogued notes on the progress achieved by employing different materials and methods (Bumb [s.a.]:6).

Working with Anna at this school was the famous Erik Erikson (Bumb [s.a.]:6). He is regarded as one of the best known ego psychologists by Boeree (1998:1).

Developmental phases

Erikson modified Freud's theories. His focus was more on the rational world of the ego as opposed to the emphasis Freud placed on the biological and psychological drives of the id. He described self development as a continuous process, spanning from birth to old age, whereas Freud's developmental

phases only focuses on childhood (Erikson 1968: 20-23; Popenoe 1986:129-130; Coleman *et al.* 1980:58). Erikson (1968: 55-99; Popenoe 1986:130; Meyer *et al.*1993:168-171; Coleman *et al.* 1980:58) identified eight stages through which the self develops, namely:

- trust versus mistrust (infancy)
- autonomy versus doubt (early childhood)
- initiative versus guilt (preschool years)
- industry versus inferiority (school age)
- identity versus role confusion (adolescence)
- intimacy versus isolation (young adulthood)
- generativity versus self-absorption (middle age) and
- integrity versus despair (old age).

This model is difficult to test empirically, biased towards the experiences of the middle class, it however provides important insight into the functioning of the human being (Popenoe 1986:130; Meyer *et al.*1993:175).

Development of morality

Jean Piaget obtained a PhD in the natural sciences at the University of Neuchâtel in Switzerland. He developed an interest in psychoanalysis after working in the psychology labs in Zürich and at the Bleulers psychiatric clinic. During later years he studied the intellectual development of his three children from infancy to the development of speech. While conducting his research into developmental psychology and genetic epistemology he tried to answer the question of how knowledge grows. His answer was "... that the growth of knowledge is a progressive construction of logically embedded structures superseding one another by a process of inclusion of lower less powerful logical means into higher and more powerful ones up to adulthood. Therefore, children's logic and modes of thinking are initially entirely different from those of adults." (Jean Paiget Archives [s.a.]:1).

Jean Piaget did extensive research on children and has written various works on studying their conception of the world, how a child thinks and mental development, their usage of language in communication and how they construct reality (Piaget 1929; Piaget 1959; Piaget 1955; Piaget 1968). He even went so far as to study the reasoning and judgement of children (Piaget 1951). A number of psychologists involved in research since the time of Jean Piaget also interested themselves in the spiritual and moral development of children. One of them, Lawrence Kohlberg, followed in the footsteps of Piaget by developing a theory on moral development. It deals with the ability to develop

a sense of what is right and wrong, as well as determining the correct ethical behaviour in complex situations. Individuals move through different moral phases from childhood into young adolescence, during which they develop the ability to argue in moral terms. According to Kohlberg, not everyone develops through all the phases of moral development. Some people fail to develop an effective conscience and will exhibit harmful behaviour as long as they feel that they will not be punished for it. Kohlberg consequently regards imperfect moral development as one of the main reasons for criminal and antisocial behaviour (Barkan 1997:141-142).

Kratcoski and Kratcoski (1990:39) note that a large number of existing psychological theories on moral development share some mutual assumptions. These are that criminal behaviour is caused by trauma or unfavourable developments occurring during childhood. These psychological setbacks start during early childhood and carry on into adulthood. Criminality is therefore a problem which originates from within the individual itself and a person has to receive direct treatment for such a problem. Changes to the person's environment would not serve as an effective remedy for criminal behaviour.

Some psychoanalysts allege that certain people commit crime because of feelings of guilt that developed during their childhood. Crime is then the means by which they are punished for the forbidden desires they covet. In this way repentance for forbidden desires is found (Conklin 1995:153; Martin *et al.* 1990:78). Conklin (1995:153) states that although there are a few individual criminals that deviate recklessly and easily get arrested, most criminals do not want to get caught. Those who appear reckless and are easily caught are regarded as inadequate or incompetent rather than busy repenting for their wrongful desires.

Researchers could not find a single type of criminal personality but they are still trying to identify a grouping of such characteristics. It is more likely that different types of criminals exist with different types of personality (Conklin 1995:161).

The psychoanalytical approach regards crimes as the product of incomplete socialising. But an individual could also deviate when he conforms to the demands of a group whose norms break the laws. Close correlation between neurosis and criminal behaviour has not been established although some psychoses such as schizophrenia can possibly be linked to violent crimes (Conklin 1995:161).

Psychological perspectives on the causes of crime are used within the legal system to determine the criminal accountability of a person. Vaguely defined rules are used to determine whether an accused's guilt (or degree of guilt) is affected by a plea of insanity. Acquittal for reasons of insanity is rare and therefore has little impact on the crime rate (Conklin 1995:161-162).

Therapeutical programmes and tests used in the treatment of criminals include psychological tests, psychotherapy, social case work, reality therapy, behavioural therapy, transactional analysis, crisis intervention and milieu therapy (Naudé 1988:17-18).

2.3.3 Crime prevention and punishment

In order to punish the criminal and prevent crime the reason behind the criminal behaviour first has to be identified and explained. Redl and Toch (Martin *et al.* 1990:82) identified the following five basic psychoanalytical interpretations of crime:

1. "Criminal behavior is a form of neuroses (or other maladjustment) not fundamentally different from other types. It is an attempt to restore psychic order."
2. "Crime is the result of a compulsive need for punishment to alleviate guilt and anxiety from the UC [unconscious]."
3. "Criminal behavior is a means for obtaining substitute gratification of needs and desires not met in the family."
4. "Criminal behavior is a direct result of intrusions into consciousness of traumatic, repressed memories."
5. "Criminal conduct represents displaced hostility."

It is apparently believed that these interpretations can help to identify the "illness" that caused the criminal to deviate and to treat him/her with the aim of getting the criminal to resist from engaging in the same wrongful behaviour again. If the treatment proves successful, further crime is prevented.

According to Naudé (1988:18) certain types of criminals will benefit from the treatment prescribed by this type of crime prevention models. The impact of these programmes can be positive if the people subjected to it are chosen with care in order to address specific behavioural problems that were the cause of the criminal behaviour.

Psychological explanations for crime, like those of the Biological School, cannot sufficiently explain the relativity of crime. No explanation can be given as to why certain individuals are prone to seeking pleasure by committing violent crimes rather than lawful behaviour. Therefore explanations of the personality do not explain why certain types of behaviour are chosen and others are not (Barkan 1997:146).

The extension of the psychoanalytical theory in the field of criminology has underscored the importance

of maladjustment as a factor of crime. This approach suggests that both the criminal and the criminal behaviour are abnormal. Thus only abnormal people commit crimes (Barkan 1997:148). Using the maladjustment theories in the explanation of criminal behaviour was not well accepted by all, as some criminologists and psychologists point to the fact that not all people labelled as criminals are insane (Martin *et al.* 1990:84-85). Emile Durkheim (Barkan 1997:148) saw criminal and deviant behaviour as normal and always present in a healthy society. Crime will always be present in any society as there will always be those that deviate from the social norms.

According to the psychological explanation, criminal behaviour is caused by problems within the individual. This suggests that crime will decrease when the few deviant individuals responsible for committing it are cured (Barkan 1997:148). Various implications might flow from this viewpoint if the matter is thoroughly considered, but fall outside the scope of this chapter.

2.3.4. Effectiveness

This model for crime prevention is very specialised, making it very expensive. The programmes are run by professional people such as clinical psychologists, psychiatrists and social workers. The effectivity of the programmes is also not a given, as the change of problem behaviour cannot be guaranteed. After Brody, a researcher, evaluated 65 different programmes at the British Home Office, he came to the conclusion that most of them are not really effective in terms of crime prevention. These programmes achieve moderate success that is not permanent. If the criminals are young and their parents are also involved, chances for success are better with this model. It was also found that criminals rarely volunteer to be part of such programmes (Naudé 1988:18). This model concentrates on the individual itself and do not leave room for the influence of their environment on their behaviour.

2.4 LEGAL SANCTIONS AND PUNISHMENT AS A CRIME PREVENTION MODEL

2.4.1 Pioneers

Naudé (1988:25) points out that the principle of employing legal sanctions and punishment has been important in keeping society and the criminal from becoming involved in crime since the time of the Classical School. In fact, this principle is probably as old as civilization itself.

Cesarea de Beccaria (1738-1794) from Italy and Jeremy Bentham (1748-1832) from England are regarded as the leaders of the Classical School (Vold 1979:18-20; Pelfrey 1980:2-5; Kratcoski *et al.*

1990:25).

Cesarea de Beccaria

Beccaria was born in Milan, Italy, as the eldest son of an aristocratic family (Internet Encyclopaedia 2001:1; Mannle & Hirschel 1988:69). He studied mathematics at university and later developed an interest in legal reform, causing him to challenge the cruel legal practises employed by the government of the day. In 1764 he published the work "Essay on Crimes and Punishments" in which he proposed principles for a system of criminal justice (Mannle & Hirschel 1988:69).

- **Humanity, society and the state**

Beccaria (Pepinsky 1980:4) made the assumption that any person has the ability to commit certain crimes. Thus, the free will of man is acknowledged in choosing their own behaviour (Mannle & Hirschel 1988:69). People commit crimes when they can win more than they will lose. Beccaria (Pepinsky 1980:4-5) believed that if the legal threat of sanctions and punishment could deter one person of criminal behaviour it could deter most people as well. The general idea is that most individuals deliberate thoroughly the pros and the cons of their intended behaviour before deciding on whether or not to act (Naudé 1988:21).

The Classical School supported the theory of a social contract existing between citizens and the state. This contract entailed that citizens surrender some of their personal interests in order to empower the state. In return, the latter had to protect the citizens by enforcing the law and punishing offenders, without infringing on the people's fundamental rights (Beccaria 1764, 1995:11-14; Mannle & Hirschel1988:69).

- **The nature of law**

In Beccaria's book on "Crimes and Punishments" he made recommendations on how the legal system should change. The law had to be specific and applied equally to all citizens. Torture is forbidden and guilt should be established on facts, not speculation (Beccaria 1764, 1995:39; Mannle & Hirschel 1988:69). "No man may be called guilty before the judge has reached his verdict." (Beccaria 1764, 1995:39) He also wrote that the laws should derive from the legislature and not the judiciary and that the former should represent the people (Beccaria 1764, 1995:39; Mannle & Hirschel 1988:69). Sutherland and Cressey further note that Beccaria excluded children younger than seven and the insane from prosecution, as these categories of people are incapable of making a rational choice

based on the pleasure or pain their behaviour might entail (Kratcoski *et al.* 1990:25).

- **The nature of punishment**

The rationale for punishment in the deterrence model is to influence future behaviour rather than giving transgressors the deserved pain for previous actions. Last mentioned is the retribution or just deserts rational of punishment (Beccaria 1764, 1995:31; Conklin 1995:439).

Bartol and Bartol (1986:286) say that it is generally believed that the threat of punishment or the punishment itself will stop a person from breaking the law. The possibility of punishment for a certain type of behaviour must stop you from exhibiting a certain type of behaviour. Secondly, the real punishment received for a wrongful deed must deter you from further exhibition of deviant behaviour. Thus the punishments meted out for the different kinds of crimes must be strong enough to deter the potential criminal (Kratcoski *et al.* 1990:25). Beccaria (1819,1953:17-19; 1764,1986:75) said that the prevention of crime is of more importance than the punishment of a crime that has already taken place. Punishment is only feasible when it will prevent further crimes of taking place.

- **Typology**

Bartollas and Dinitz (1989:95-98) explain Beccaria's theory as follows:

The right to punish

Beccaria believed that people are rational beings who are free to decide their own behaviour and can therefore be held accountable for their actions.

The benefit of punishment

The aim of punishment is to withhold people from criminal behaviour and not to exact social revenge.

Effectiveness of punishment

According to Blomberg (Bartollas & Dinitz 1989:96) Beccaria was of the opinion that punishment should occur as promptly as possible and has to be meted out according to the social damage that had been inflicted.

Degree of punishment

The degree of punishment should not exceed the social damage brought to society.

Application of punishment

Criminal law has to be easily applicable. Beccaria had more faith in the law than in the ability of the judges to apply it.

Beccaria (Reid 1988:84) is credited for decreasing the elements of bias in the legal system, although his ideals were never fully implemented.

- **Criticism**

There is no formal criticism filed against Beccaria's philosophy of justice as it was justified by attacking the criminal system of his day, which was guilty of subjecting its citizens to secret accusations, torture and barbaric treatments. The only criticisms came from those who controlled the system and who wanted to conserve the *status quo*. Victims of the system supported and promoted Beccaria's penal doctrine (Martin *et al.* 1990:16-17).

Beccaria's influence can still be felt today. The principle of free will serves as an example for the contemporary justice systems. Making people responsible for their own actions has helped to shape the due process model, including the right to council, the ways to determine guilt and the employment of punishment against those who are found guilty. Even his concept of deterrence has left its mark on the modern justice system, indicating that Beccaria has left behind a legacy influencing almost every aspect of the modern justice system (Martin *et al.* 1990:17-18).

Jeremy Bentham

- **Background**

The British philosopher Jeremy Bentham was born in 1748 in Houndsditch, London. He studied law, but never practised it (Sweet 2001:1; Reid 1985:73; Dinwiddy 1989:2). He devoted most of his life to writing about matters of legal reform, being inspired and influenced by the works of Hume, Calude-Adrien Helvétius and Cessare Beccaria (Dinwiddy 1989:2; Jeremy Bentham [s.a.]:1; Sweet 2001:2;

Harrison 1983:167). Dinwiddy (1989:2) speculates that Bentham was exposed to the principle of “the greatest happiness for the greatest number” by reading Beccaria’s “Essay on Crimes and Punishments” (1767). Helvétius’ work “*De l’esprit*”(1758) provided the foundation for the development of his own body of theory on the judicial system. Bentham subsequently labelled his ideology of social control “utilitarianism” (Reid 1985:73).

- **Utilitarianism**

The concept of utilitarianism was introduced to the world in Bentham’s book “Introduction to the Principles of Morals”, published in 1789 (Jeremy Bentham [s.a.]:1; Dinwiddy 1989:3). Utilitarianism is briefly summarised as meaning that “... every action should be judged right or wrong according to how far it tends to promote or damage the happiness of the community, or the happiness of those people whom the action affects” (Dinwiddy 1989: 21). In later works Bentham substituted the phrase with “the greatest happiness for the greatest number” for the term “utilitarianism” feeling that this phrase was more descriptive of what he was trying to say (Harrison 1983:169; Bentham 1829, 1983:299).

- **Hedonism**

Hedonistic calculus refers to the supposition that persons cautiously weigh pleasure versus pain in calculating whether to commit an action that may cause sanctions (Brown *et al.*1998:30). This led Bentham to formulate his philosophy “let the punishment fit the crime” as he believed that people choose their behaviour on the grounds of it bringing them pain or pleasure (Reid 1985:73).

Reid (1985:73) says that although Bentham believed in “free will” he also hinted at the theory of learned behaviour as the explanation of criminal behaviour. These two terms formed the starting point of his reformative thoughts and works.

Jeremy Bentham produced a large volume of work during his lifetime ranging from philosophy, religion, ethics, psychology, economics, politics and the law (Parekh 1993: xiii-xxii). Bentham’s thinking was advanced for a man of his time, his works even hinting that women should be allowed to vote, based on the greatest happiness for all people (Dinwiddy 1989:110).

J.S. Mill (1859,1993:165) summarises the contribution of Bentham’s work in the field of law as follows:

- He eradicated mysticism from the philosophy of the law, setting an example of how to view laws in practical terms, as a means to certain definite and precise ends.

- Secondly, he clarified the confusion and vagueness surrounding the idea of the law in general, to a body of laws themselves, and the various general ideas associated with the latter.
- Bentham demonstrated the need and practical reasons behind the codification of the law, its conversion into a written and systematically ordered code containing within itself all that is needed for its own interpretation, as well as a standing provision for its own amendment and improvement.
- He advanced a systematic view of the conditions of society for which the civil code should provide and the principles of human nature against which its provisions are to be measured.
- Finding the philosophy of judicial procedure, of judicial establishments and evidence in a worse state than any other aspect of the philosophy of law, he almost perfected a set of principles to serve as guidelines on these matters.
- **Deterrence**

Bartol, Bartol (1986:285), Conklin (1995:441), Reid (1985:77) and Lab (1997:111) differentiate between individual and general deterrence. When an individual is punished for his deviance and it deters him from further criminal behaviour it is called **individual deterrence**. **Deterrence in general** is when members of society observe the punishment received by an individual and it deters them from criminal behaviour. According to Conklin (Naudé 1988:25) the deterrence approach suggests that behaviour is determined by its outcome. Potential offenders will be deterred from crime if they know for certain that they will be punished severely if caught. However, Lab (1997:112) states that both types of deterrence assume that the offender is a rational being.

The theory of deterrence assumes that knowledge of certain types of punishment being predetermined will have a greater influence on lowering the crime rate than increasing the possible maximum punishment for a certain crime (Conklin 1995:449; Reid 1985:77). Lab (1997:113) also identifies three factors which influence the detrimental effect of punishment namely **severity**, **certainty** and **celerity**. Severity means ensuring that the pain of the punishment outweighs the pleasure to be gained by committing the crime. The certainty of being caught and punished for wrongful behaviour is also of importance in deterring the would-be criminal as the severity of punishment would have no detrimental effect without the certainty of being caught. Celerity refers to how swiftly the criminal is punished by society for his deviance. The sooner the criminal is punished after the crime has been committed, the better the chances of the two events being connected in both the criminal and the public's mind (Lab 1997:113).

2.4.2 Further developments

Brown *et al.* (1998:27) describes the influence of the Classical School as “...the foundation for [the] emergence of modern criminal justice systems in the Western world.”

Reduction of punishments

After the positive influence on bettering the criminal law and procedure by the classicists, legislators such as Sir Samuel Romilly took the process further by advocating legal reform, based on the classical principles (Brown *et al.* 1998:27). Sir Romilly served as a Solicitor General in the Cabinet of Lord Grenville during 1806. While serving in Parliament he fought for the abolition of capital punishment for trivial offences like pick-pocketing (Columbia Encyclopaedia 2001).

Founding deterrence based policing

In the decade after the death of Sir Romilly, Sir Robert Peel served as Home Secretary (1822-27 and 1828-30) in the government of the Duke of Wellington. He is credited with being the founder of the first modern police force (Brown *et al.* 1996:175; Britannia 2001). Policing became focussed deterrence with the introduction of Peel’s “London Metropolitan Police Act” during 1829 (Brown *et al.* 1998:27; Brown *et al.* 1996:175). After experiencing a period of mistrust and initially meeting with resistance from the English citizens, this new approach to policing took root and even achieved popularity in London. It became the model for police reform throughout the whole of England. This model even spread its influence to America by providing the basic philosophy underlying municipal policing, which became institutionalised with the formation of the Boston Police Department in 1838 (Brown *et al.* 1996:175).

Contemporary deterrence theory

From the early twentieth century until the 1960's and 1970's criminologists did not attach much importance to the ideas forwarded by the classical deterrence doctrine. However, legislators and police administrators never lost faith and accepted the doctrine unconditionally (Brown *et al.* 1998:28; Brown *et al.* 1996:176).

During 1974 an evaluation of the criminal rehabilitation programmes implemented between 1945 and 1967 was undertaken by D. Lipton, Robert Martinson and J Wilks. Their evaluation was based on ‘meta-analysis’ and led them to the conclusion that the programmes have had no effect on recidivism (Drislane & Parkinson [s.a.]:1; Miller 1989:1). Robert Martinson is attributed with coining the term “nothing works” after having published a short article on their findings in a New York magazine. This

phrase was taken up by those opposed to rehabilitation and also played a considerable part in the movement away from unconventional rehabilitation programmes towards the idea of retribution or deterrence as justification for punishment (Drislane & Parkinson [s.a.]:1).

Rick Sarre (1999:3) states that many of the rehabilitation programmes evaluated by Lipton, Martinson and Wilks did not have access to sufficient funds and could therefore not provide the services they were supposed to. He also points out that the 1974 evaluation only tested programmes against re-arrest and conviction rates without taking the reduction in individual offenders' criminal activity into account. At the end of Martinson's life he to a certain extent retracted his previous claims by admitting that some rehabilitation models had proven effective in dealing with offenders.

During 1981-1987, Gendreau and Ross (Sarre 1999:4; Miller 1989:6) did a survey on more than 200 studies on rehabilitation, making use of mathematical methodology, and found substantial reductions in recidivism in a number of well controlled studies. These programmes involved pre-delinquents, hard-core adolescent offenders and recidivistic adults, including criminal heroin addicts. These results refuted Martinson's statement of "nothing works". But the damage had already been done to efforts to rehabilitate criminals. The US Supreme Court has all but abandoned rehabilitation in corrections, rehabilitation for the most being absent from contemporary prisons (Sarre 1999:5; Miller 1989:6).

Neoconservative criminology rose to prominence during the 1970's with representatives such as James Q. Wilson and Ernest den Haag. This movement being conservative, emphasised a punitive response to crime and promoted the idea of incapacitating offenders. It also served to reawaken criminological interest in the doctrine of deterrence. By the mid 1980's the theory of deterrence had developed into the more acceptable "rational choice perspective". Ronald Clarke and Derek Cornish played an important role in shaping this perspective, according to which criminals and non-offenders share the same thought processes (Brown *et al.* 1996:179). "Following this perspective, the offender is thought to evaluate opportunities and make decisions in light of rewards and punishments that may be forthcoming. This led particularly to a crime-specific policy-relevant research agenda that continues to characterise deterrence research" (Brown *et al.* 1996:179).

2.4.3 Crime prevention and punishment

The guiding lights of the Classical School, Beccaria and Bentham, regarded imprisonment as a crime prevention measure. According to Reid (Kratcoski *et al.* 1990:25) Bentham advised that prisoners be kept busy during their time of imprisonment and be taught a trade, as well as being classified according to the crimes they had committed.

Beccaria (1764,1995:66-67) objected against imposing the death penalty and only condoned it under two instances namely when a person's existence may lead to a revolution against the established form of government or in periods of anarchy when disorder replaces the law.

Bartol and Bartol (1986:287) said that the fear of punishment is settled within the individual because of a socialising process and moral development, possibly being stronger than the normal deterrental effect of legal sanctions and punishment. This fact is underscored by Bartol and Bartol in their assumption that most of the community will not commit a crime, fearing family and social rejection as well as personal disapproval. These factors act as deterrents of crime. The presence of the police is not a prerequisite.

Legal sanctions and punishments that build on the already existing fear of punishment within the individual, can increase the general deterrence for criminal behaviour. Tullock (McCormick 1973:21) says that although most potential criminals have only a inkling of what the punishment entails, continued research points out that the possibility of a crime taking place is diminished when the frequency or intensity of the punishment increases.

Naudé (1988:27) notes that the deterrent effect of legal sanctions and punishment is influenced by a variety of factors. While some individuals are deterred by legal sanctions and punishment these seemingly have no influence on others.

Some forms of criminal behaviour are not easily deterred by legal sanctions and punishments. Not all deviants will rationally think about the risks or advantages of a deed as described by the deterrent model (Conklin 1995:439). According to Bartol and Bartol (1986:288) violent crimes, especially murder, are committed under highly emotional conditions without regard being given to the long term implications. Persons who like to take risks will not easily be deterred from committing crimes (Naudé 1988:27).

Van Haag (Naudé 1988:27) states that people that are suffering economically, with low social status, will not easily be deterred from crime by the principle of punishment. Thus, legal sanctions and punishment will not have a detrimental effect in all cases.

The individual first has to realise the possible consequence of his deeds and the punishment that is likely to ensue. People with a low level of development often cannot make the connection between crime and its consequences and will therefore not necessarily be deterred from crime by legal sanctions or punishment (Naudé 1988:27).

Chambliss says that professional criminals are also not easily deterred by legal sanctions or punishment (Naudé 1988:27). The researcher is of the opinion that the professional criminal already determined the pros and the cons of the crime before committing it. Conklin (1995:439) is of the same opinion, saying that certain criminals rationalise the risks of a particular crime and try to eliminate these risks through careful planning. They weigh the possible advantages to be gained by committing a certain crime and will plan accordingly.

Finally, Popenoe (1986:199) mentions that the institutions that are responsible for rectifying deviant behaviour teach deviant behaviour at the same time. In prisons first transgressors are exposed to the manners and habits of hardened criminals. In this case further criminal behaviour is not deterred and the criminals are trained not to be caught so easily the next time. The criminal becomes part of a subculture of the prison where it is acceptable to exhibit deviant behaviour.

This model of deterrence is more focussed on crime prevention than the previous models of biology and psychology, seeing that it attempts to deter potential criminals from criminal behaviour through the establishment of punishments.

2.5 CONCLUSION

Crime prevention models which focus on the criminal, namely the biological, psychological and legal sanctions and punishment models, were discussed in this Chapter to determine and highlight their foundational value for and their applicability as basis for the new theory of crime prevention in neighbourhoods.

The biological crime prevention model tries to decrease or prevent crime by identifying potential offenders on factors such as biological deviations, heredity, biochemical abnormalities, hyperactivity and learning problems. It would be unethical and discriminatory to subject members of the general public to tests in order to determine if they have a tendency towards criminal behaviour, before entering a neighbourhood. Such tests are very expensive and time consuming for residents of neighbourhoods to implement as a crime prevention measure in neighbourhoods (Coetzer 1998:47).

The psychological model focuses on individual mal-adaptation, ineffective moral development and the feelings of guilt of the offender. According to this model crime can be reduced if the criminal's internal problems are treated and resolved (Coetzer 1998:47). This model is also deemed not suitable for crime prevention in neighbourhoods, as the researcher is trying to look out for the interests of the residents living in a neighbourhood and not those of a criminal. It is also better for the well-being (psychological

state) of the residents if they never have to fall victim to crime.

The legal sanctions and punishment model is more focussed on crime prevention than the other models, by trying to deter would-be criminals with fixed punishments for certain crimes. Although this model is aimed more at secondary crime prevention, the success of this model lies with the effectiveness of the criminal justice system. However, the researcher requires a model answering to the rationale of the study, namely better preparation of the residents of a neighbourhood against the event of a crime occurring (Coetzer 1998:47).

In Chapter 3 crime prevention models which focus on the criminal's environment is described in more depth as it serves as the basis of the mechanical and physical milieu crime prevention theory.