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Rational crime theory

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## **Introduction**

This essay will analyze the reason as to why people find committing a crime as a last resort. In researching about this perspective, the positivist school of criminology and some sociological perspectives about the crime will be considered. This essay will conclude on the notion that rational behaviour is just one of many constructs use for studying criminal behaviour (Cornish and Clarke, 1987). This is from the classical school of criminology that criminals choose to commit a crime on the reason they choose freely. Jeremey Bentham and Beccaria from the classic school of criminology have worked extensively on the reasons as to why people tend to adopt crime as the last option(Cornish and Clarke, 2014). They have also searched that in doing so what they achieve? They have theorized this perspective under the title of Rational Crime theory.

There is a wide believe among many criminologists that the classical theorists normally tend to reason the happening of crime on a natural basis. Sometimes they are right in justifying the happening of that criminal act, but sometimes they wrongly interpret the nature of the crime(Nettler, 1978). This is where they come in conflict with many other people studying crimes. There is also another reason as to why the classical theorists see crime as the result of a natural act which is the socioeconomic reasons. The social disparities in a society which negatively effects the economy of living beings attract classical theorist. In justifying these social disparities, the classical theorists held the natural consciousness of humanity as the driving reason for crimes(Cornish and Clarke, 2014). The critiques of the rational crime theory argue that analysis of the criminal behaviour was never the agenda of classical theorists, rather they based their work on sociological perspectives. There are also some attempts by the upcoming rational crime theorists of expanding this debate, but they also remained failed in expanding this debate from the sociological perspective(Cornish and Clarke, 2014). In doing so, these all classical theorists motivated the debate about an offender as committing a crime.

## Supporting theory

In order to understand the notion presented by the classical theorists in criminology, it is pertinent to look into the perspectives of utilitarianism and social contracts. Theories presented by Thomas Hobbes, John Locke and Rousseau supports the stance of rational crime theory. For example, Locke's theories about the unwritten contracts among the state institutions (monarchies) and masses have created space for the actions of the individuals(Locke, 1968). Similarly, Locke argues that since the masses are part of the system that protects monarchs from committing a crime, therefore they cannot be subjected to criminal offences (Locke and De Beer, 1976). Similarly then Rousseau argues that humans are the basic tenets in constriction of society if they are not been subjected to their free will, why they will then be interested in being part of the system (the system which cares for the interest of some people)(Rousseau, 2012).

Rousseau goes on to mention in his socialists and conservative theories that since humans are capable of keeping their self-interest and are also born free, therefore committing a crime is just an example of practising their free will(Rousseau, 2018). Finally, Thomas Hobbes writes in his book Leviathan that the rights of every citizen are derived from their consent, which could not be governed. Since the individual who has come forward to making a society have already partially submitted their free movements and thoughts(Hobbes, 1889). He argues that since they have partially submitted their will, therefore they should be allowed to practice whatever they find themselves comfortable in. But a little different to Locke and Rousseau, Hobbes has partially agreed over punishing those who steal the natural rights of others(Hobbes, 1998). He argues that they must be punished in the ways possible. The theories put forward by these theorist supports the context of the rational crime theory. The reason why Beccaria was inclined toward the theories of the above-mentioned theorists, was Beccaria's' inclination toward social works. He was characterized as one of the leading social workers of his times.

## Refuting theory

There are many reasons which have been highlighted by different criminologists from time to time that the rational crime theory is outdated. Some of them base their opinion on the notion that the world has transformed too much extent, therefore the ideals of peace and security are transformed for this reason too. In addition to this, there are many other reasons on the basis of which the rational crime theory could be refuted or proved wrong. For example, Geis suggest that the rational crime theory was a failure. He argues that criminals and the law abiding citizens could never be treated equally. If one puts the effort in treating these all similarly, this would be an injustice toward the societal structure generally and with the masses particularly. There is some reason why this theory appears outdated. For example, there appear some very important weaknesses in Bentham's utilitarianism. It appears hollow in the following context(Eck and Weisburd, 2015)

*How deterrence could be successful if the offender is treated equally as like other citizens?*

*Why these theorists have not taken into account the unsophisticated manners and in some cases the individual circumstances?*

Since crime is spontaneous and results abruptly since then it cannot be justified. How come then it could be justified if it is taking place in the presence of all senses? If one also assumes that since the bigger crime results in bigger gains for the criminal, than how this all could be unrealistic(Nettler, 1978). For these al reasons described above it could be argued that the rational crime theory is refuted and stands false in each sense as it is provided by its perpetrators.

## **Conclusion**

Criminology is now been widely studied in parallel to the discipline of international law. There are areas which are common to both these perspectives. Although these classical theorists have worked in presenting a logical form of arguments, they are now widely outdated. Since the present world is based on scientific reasoning and facts, therefore there remains no reason to argue any criminal case on the basis of mere theories. (Akers, 1990) As since the theory debated above have also invited wide criticism therefore, there appears no space for such school of thoughts in the present day criminology(Cornish and Clarke, 1987). Bentham and other classical theorist have somehow presented very rational arguments to prove their stances, but these all are null and wide in present-day criminology perspective. Since these arguments were presented on a philosophical basis and not on a scientific basis, therefore, they have considerably lost their weight in present-day literature. Some present criminologist categorizes these classical theorists as philosophers and not a scientist who could study any activity in a more specific sense. As they were the writers in the times of enlightenment, therefore they thought about everything in a much-idealized way. Their contributions are therefore more specific to the philosophical literature and not that for criminology.

## Bibliography:

Akers, R.L., 1990. Rational choice, deterrence, and social learning theory in criminology: The path not taken. J. Crim. L. & Criminology 81, 653.

Cornish, D.B., Clarke, R.V., 2014. The reasoning criminal: Rational choice perspectives on offending. Transaction Publishers.

Cornish, D.B., Clarke, R.V., 1987. Understanding crime displacement: An application of rational choice theory. Criminology 25, 933–948.

Eck, J., Weisburd, D.L., 2015. Crime places in crime theory. Crime and place: Crime prevention studies 4.

Hobbes, T., 1998. Hobbes: On the citizen. Cambridge University Press.

Hobbes, T., 1889. The Elements of Law, Natural and Politic: To which are Subjoined Selected Extracts from Unprinted Mss. of Thomas Hobbes. Simpkin, Marshall and Company.

Locke, J., 1968. The educational writings of John Locke. CUP Archive.

Locke, J., De Beer, E.S., 1976. The Correspondence of John Locke. Clarendon Press Oxford.

Nettler, G., 1978. EXPLAINING CRIME, 2D ED. McGraw-Hill.

Rousseau, J.-J., 2018. Rousseau: The Social Contract and other later political writings. Cambridge University Press.

Rousseau, J.-J., 2012. Rousseau: The Basic Political Writings: Discourse on the Sciences and the Arts, Discourse on the Origin of Inequality, Discourse on Political Economy, On the Social Contract, The State of War. Hackett Publishing.