

A Comparative Study of Criminology Thoughts Between the New School and the Old School for Social Support Theory

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Abstract: The theory of social support conforms to the social development needs of contemporary society of China, such as stratification of society, widening income gap frequent conflicts and disputes, and the urgent needs of vulnerable groups to help. It has strong practical significance for the prevention of crimes committed by vulnerable groups, juvenile crimes, and floating population. as well as the comprehensive management of urban crimes. Therefore, this research, starting from the theory of social support, analyzed the criminology thoughts of the old and new schools of criminal laws under this theory, formed a systematic theoretical system based on crime reasons and criminal countermeasures. Besides, this work also conducted researches on various viewpoints in the criminal law for fundamentally grasping the connotation of the criminal law regulations under the theory of social support, thus forming correct criminological cognition based on multiple criminological viewpoints and promoting the development of the theory of criminology for China's criminal law.

1. Introduction

The social control theory, as one of criminological theories, has influenced the criminal justice and criminal policy for a long time. All kinds of control methods emerge in real life one after another. Fighting and controlling crimes has constituted a mainstream practice pattern of the crime governance. However, because the governance performance of crime control model in practice doesn't realize the expected goal, the voice reflecting on the crime control model has been growing louder and louder. On the other hand, the social support theory has provided a new way for the improvement of crime governance model.

In the past 20 years, social support theory has sprouting and rising in the process of reflecting and discarding social control theory. This theory advocates the prevention of crime by providing welfare and help for high-risk groups in a non-mandatory way, and provides a "positive" crime prevention mechanism for policy makers, which has been verified by many empirical studies. Western criminology social support theory strongly advocates a positive criminology policy, which has a certain explanatory power for many vulnerable groups crime problems faced by China in a period of social transformation, such as juvenile delinquency, female delinquency, elderly delinquency, migrant workers delinquency, and rural left-behind crimes. Additionally, it also has important theoretical reference value and social practical significance. However, there are still many deficiencies in the study of criminal law under the theory of social support in China, which need to be adjusted and improved urgently [1].

2. Overview of Social Support Theory

In the 1994 article social support as a comprehensive concept for understanding criminology, Cullen first discussed the definition of social support and then introduced and discussed 14 propositions on social support. Cullen's definition of social support is a slight modification of the definition given by N.L. Lin, a famous contemporary American sociologist, who defined social support as material and spiritual help that may be provided or imagination by communities, social networks, and trusted others. In the whole, social support includes both practical and expected aspects. The former is objective, while the latter is subjective and can be either material or spiritual.

Both may be provided separately or simultaneously [2]. This hierarchy is divided by the relationship between the support provider and the support recipient.

3. The Old School of Criminal Law under the Theory of Social Support

3.1. Reasons for the Crime

From the standpoint of mechanical materialism, Cesare Beccaria believes that crime is an inevitable result of social injustice and the inevitable choice of the doer to seek advantages and avoid disadvantages under specific circumstances. In Beccaria's opinion, the great disparity of economic interests and political status among different social classes resulted in the psychological imbalance of the poor people in the lower class and their thirst for material interests and freedom, which made them realize their pursuit with their courage and hard work without hesitation.

Jeremy Bentham, known for his utilitarianism, believes that nature has placed mankind under the rule of two supreme masters, pain and pleasure. Only the two of them can point out what we should do and decide how we will do it. Tied tightly to their thrones are the standards of right and wrong and the links of cause and effect.

Kant discussed the basis of human behavior from the perspective of free will, believing that people are rational and everyone has the freedom of will and action. He argued that we must recognize that every rational thing with a will of free and acts in accordance with the idea of freedom. In general, the will may include the act of choosing with the will. Such an act of choice can be determined by pure reason and form the act of free will. If this behavior is determined solely by intention such as sensory impulses or stimulation, it is an irrational animal selection. Since human action is free action determined by free will, crime is also the result of free choice made by people with free will.

3.2. Crime countermeasures

Cesare Beccaria highlighted that the necessity and timeliness of the punishment were the precondition for punishing and preventing the crime. In Beccaria's opinion, the goal of the punishment is neither to torture a percipient, nor to eliminate the crime committed. The goal of the punishment is only to prevent the criminal from hurting citizens again and admonish others not to follow the same old disastrous road. [3] It is the so-called double prevention which means the general prevention and special prevention. Cesare Beccaria, based on summarizing the historical lessons and experience, criticized the traditional theory of retribution and intimidation, cleared the human beings' barbarism and ignorance of the punishment existing for a long time, upheld the humanitarian stand, stood firm against harsh punishment and highly recommended the openness, certainty and timeliness of the punishment.

Bentham is a representative personage of utilitarian penalty values. He believes that the value of the punishment lies in its utilitarian function to prevent the crime and he also sets up a set of complete theoretical system of criminal legislation for the society. With regard to the criminal law principles he advocated, the effect of preventing and containing the crime is the standard of utility. It can be seen that the utilitarian theory of punishment has scientifically illustrated the value of the punishment. It not only focuses on punishing in advance but also highlights of waning afterwards. However, it is easy to make some innocent people punished due to the utility of punishment he overemphasized.

In Kant's opinion, the value of the punishment is to punish the criminal and correct the moral sins. He believes the punishment of the court can't be only regarded as a way of promoting another kindness either for the criminal, or the citizens and societies. [4] The punishment of criminals should be only based on the fact that the criminals' free will and act has infringed on other people's freedom or social interests. Such infringement has violated the requirement of justice, so the punishment to the criminal means to recover the infringed justice. Kant thinks that the punishment of crimes should be treated equally in that all are equal before the law. Only in this way can the punishment of the crime reflect the requirement of justice. Such fairness means that the crime and

punishment are equal. The punishment method and strength should be determined in accordance with the features of the crime. He points out that “the rascality done by anyone to others can be regarded as the rascality done to such person himself or herself. Therefore, we can say that “if you slander others, you will slander yourself; if you steal others’ things, you will steal your own things; if you hit others, you will hit yourself; if you kill others, you will kill yourself.” This is the very right of vengeance.” [5] The punishment is based on the criminals’ moral transgression, which highlights the moral retribution.

4. New School of Criminal Law under the Theory of Social Support

4.1. Reasons for the crime

In the early writings, Lombroso mainly paid attention to the influence of heredity and other congenital factors on crime. He thinks that the reason of crime is that the characteristics of primitive people and lower animals must reproduce in modern times, so he put forward his theory of natural criminals. Later, from only paying attention to the genetic and other congenital factors of crime, he expanded the crime reasons to influences of nurture factors like decadence. He discussed the physical, psychological, environmental, climate, and many other reasons of crime, and emphasized the effects of psychological factors such as intelligence, emotion, instinct, habit, knee-jerk reaction, language, and imitation, as well as social and natural factors such as politics, economy, population, culture, education, religion, and environment.

Ferri admitted that crime was closely associated with heredity and other innate factors and attached great importance to the physiological causes of crime. However, Ferri was not satisfied with the theory of criminal anthropology, but paid more attention to the social causes of crime, and became the main representative of criminal social school. He put forward the famous theory of three factors of crime, namely, anthropological factor, natural factor, and social factor.

4.2. Criminal countermeasures

Lombroso, starting from his monistic thought of the causes of crime, put forward a new method to cure crime in the crime countermeasures. Lombroso has demonstrated the utilitarian value of the punishment from the perspective to prevent the possible recommitment and deprive of the ability of recommitment. In his opinion that the basis where the punishment exists should not be found from the ascertained offense but the uncommitted crime. The utility significance where the punishment exists is to contain the uncommitted crime. He has denied the general prevention idea proposed by the classical school that the punishment should be compatible with the ascertained offense. Instead, he advocates the special prevention idea that the punishment should be compatible with the need of the special prevention. Wolfgang, an American criminologist, points out that “although his idea to connect the atavism with degeneration has been challenged by biologists, it still broadens the narrow point of view that criminals are born with a crime.” [6]

Ferri has made some progress while inheriting the theory of Lombroso. He has proposed the famous “theory of criminal saturation”. He holds that committing a crime is a kind of social phenomenon resulted from the interaction of anthropological factor, natural factor and social factor. This rule leads to the theory of criminal saturation. That is to say, there is a crime which should be committed in each society. Such a crime is resulted from the natural and social conditions and its quality and quantity is suitable with the collective development of each society.[7]

5. Summary

Western criminology social support theory explores reasons for crime from the perspective of human altruistic motivation, and seeks countermeasures to prevent crime from the perspective of social support. It advocates a kind of positive criminal policy, which is active, internal, and unforced. And a series of propositions about the relationship between social support and crime assumed by this theory have also been verified by some empirical studies. The concept of criminal law advocated by this theory provides a new perspective for the development of schools of criminal

law, especially in the contrast process between the new and old school concepts for criminology. All these theories have important theoretical reference value and social practical significance, and work as indispensable keys for the researches on criminology in China.

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