REVIEW QUESTIONS

1. According to Sherman, what part did Henry Fielding's research play in the early stages of research on crime and the influence it had on stopping robberies in London? Explain in detail. What implications can be drawn about using resources (i.e., money) to stop a given crime in a certain location?

2. What does Sherman have to say about what Beccaria and Bentham contributed to policies regarding crime? Do you agree with Sherman's assessment?

3. What does Sherman have to say about Martinson's review of rehabilitation programs and its impact on policy?

4. What does Sherman have to say about criminological research regarding schools, drug courts, boot camps, and child raising? Which recent programs does he claim had success? Which recent programs or designs does he suggest do not work?

5. How do Joan McCord's final words in her address to the American Society of Criminology have both theoretical and policy implications for the study of causes of crime?

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This section will examine the earliest logical theories of rule breaking—namely, explanations of criminal conduct that emphasize free will and the ability of individuals to make rational decisions regarding the consequences of their behavior. The natural capabilities of human beings to make decisions based on expected costs and benefits were acknowledged during the Age of Enlightenment in the 17th and 18th centuries. This understanding of human capabilities led to what is considered the first rational theory of criminal activity, deterrence theory. This theory has had a more profound impact on justice systems in the United States than any other perspective to date. Furthermore, virtually all criminal justice systems (e.g., policing, courts, corrections) are based on this theoretical model even today.

Such theories of human rationality were in stark contrast to the theories focusing on religious or supernatural causes of crime, which had prevailed through most of human civilization up to the Age of Enlightenment. In addition, the Classical School theories of crime are distinguished from theories in subsequent sections of this book by their emphasis on the free will and rational decision making of individuals, which modern theories of crime tend to ignore. The theoretical perspectives discussed in this section all focus on the ability of human beings to choose their own behavior and destinies, whereas paradigms that existed before and after this period tend to emphasize the inability of individuals to control their behavior due to external factors. Therefore, the Classical School is perhaps the paradigm best suited for analysis of what types of calculations are going on in someone's head before he or she commits a crime.

The different Classical School theories presented in this section vary in many ways, most notably in what they propose as the primary constructs and processes individuals use to determine whether they are going to commit a crime. For example, some Classical School theories emphasize the potential negative consequences of their actions, whereas others focus on the possible benefits of such activity. Still others concentrate on the opportunities and existing situations that predispose people to engage in criminal activity. Regardless of their differences, all of the theories examined in this section emphasize a common theme: Individuals commit crime because they identify certain situations and acts as beneficial due to the perceived lack of punishment and the perceived likelihood of profits, such as money or peer status. In other words, the potential offender weighs out the possible costs and pleasures of committing a given act and then behaves in a rational way based on this analysis.

The most important distinction of these Classical School theories, as opposed to those discussed in future sections, is that they emphasize individuals making their own decisions regardless of extraneous influences, such as the
Preclassical Perspectives of Crime and Punishment

Over the long course of human civilization, people have mostly believed that criminal activity is caused by supernatural causes or religious factors. It has been documented that some primitive societies believed that crime increased during major thunderstorms or other droughts. Most primitive cultures believed that when a person engaged in behavior that violated the tribe's or clan's rules, the devil or evil spirits were making him or her do it.1 For example, in many societies, if someone committed criminal activity, it was common to perform exorcisms or primitive surgery, such as splitting open the skull of the perpetrator to allow the demons to leave his or her head. Of course, this almost always resulted in the death of the accused person, but it was seen as a liberating experience for the offender.

This was just one form of dealing with criminal behavior, but it epitomizes how primitive cultures understood the causes of crime. As the movie The Exorcist revealed, exorcisms were still being performed on offenders by representatives of a number of religions, including Catholicism, in the 21st century to get the devil out of them. In June 2005, a Romanian monk and four nuns acknowledged engaging in an exorcism that led to the death of the victim, who was crucified, a towel stuffed in her mouth, and left without food for many days.2 When the monk and nuns were asked to explain why they did this, they defiantly said they were trying to get the devils out of the 23-year-old woman. Although they were prosecuted by Romanian authorities, many governments might not have done so because many societies around the world still believe in and condone such practices.

Readers may be surprised to learn that the Roman Catholic Church still authorizes college-level courses on how to perform exorcisms. Specifically, news reports revealed that a Vatican-recognized university was offering a course in exorcism and demonic possession for a second year because of its concern about the "devil's lure." In fact, Pope Benedict XVI welcomed a large group of Italian exorcists and a large group of Vatican in September 2005 and

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Although many would find the primitive forms of punishment and execution to be quite barbaric, some modern societies still practice them. For example, Islamic court systems, as well as other religious and ethnic cultures, are often allowed to carry out executions and other forms of corporal punishment. Fifteen individuals were whipped with a cane for gambling in Aceh, Indonesia, a highly conservative Muslim region. The caning was held in public and outside a mosque. In the United States, gambling is a relatively minor crime—when it is not totally legal, as in many places in the United States. It is interesting to note, however, that a relatively recent Gallup poll regarding the use of caning (i.e., public whipping) of convicted individuals was supported by most of the American public.5

Compared to U.S. standards, the more extreme forms of corporal punishment, particularly public executions carried out by many religious courts and countries, are drawn out and very painful. An example is stoning, in which people are buried up to the waist and local citizens throw small stones at them until they die (large stones are not allowed because they would lead to death too quickly). In most of the Western world, such brutal forms of punishment and execution were done away with in the 1700s due to the impact of the Age of Enlightenment.

The Age of Enlightenment

In the midst of the extremely draconian times of the mid-1600s, Thomas Hobbes, in his book Leviathan (1651), proposed a rational theory of why people are motivated to form democratic states of governance.6 Hobbes started with the basic framework that all individuals are in a constant state of warfare with all other individuals. He used the extreme examples of primitive tribes and sects. He argued that the primitive state of man is selfish and greedy, so people live in a constant state of fear of everyone else. However, Hobbes also proclaimed that people are also rational, so they will rationally organize sound forms of government, which can create rules to avoid this constant state of fear. Interestingly, once a government is created, the state of warfare mutates from one waged among individuals or families to one waged between nations. This can be seen in modern times; after all, it is quite rare that a person or family declares war against another (although gangs may be an exception), but we often hear of governments declaring war.

Hobbes stated that the primitive state of fear—of constant warfare of everyone against everyone else—was the motivation for entering into a contract with others to create a common authority. At the same time, Hobbes specified that it was this exact emotion—fear—that was needed to make citizens conform to the given rules or laws in society. Strangely, it appears that the very emotion that inspires people to enter into an agreement to form a government is the same emotion that inspires these same individuals to follow the rules of the government that is created. It is ironic, but it is quite true.

Given the social conditions during the 1600s, this model appears somewhat accurate; there was little sense of community in terms of working toward progress as a group. It had not been that long since the Middle Ages, when one third of the world’s population had died from sickness, and many cultures were severely deprived or in an extreme state of poverty. Prior to the 1600s, the feudal system had been the dominant model of governance in most of the Western world. During this feudal era, a very small group of aristocrats (less than 1% of the population) owned and operated the largely agricultural economy that existed. Virtually no rights were afforded to individuals in the Middle Ages or at the time Hobbes wrote his book. Most people had no individual rights in terms of criminal justice, let alone a say in the existing governments of the time. Hobbes’s book clearly took issue with this lack of say in the government, which had profound implications for the justice systems of that time.

Hobbes clearly stated that until the citizens were entitled to a certain degree of respect from their governing bodies as well as their justice systems, they would never fully buy into the authority of government or the system of justice. Hobbes proposed a number of extraordinary ideas that came to define the Age of Enlightenment. He presented a drastic paradigm shift for social structure, which had extreme implications for justice systems throughout the world.

Hobbes explicitly declared that people are rational beings who choose their destinies by creating societies. Hobbes further proposed that individuals in such societies democratically create rules of conduct that all members of that society must follow. These rules, which all citizens decide upon, become laws, and the result of not following the laws is punishment determined by the democratically instituted government. It is clear from Hobbes’s statements that the government, as instructed by the citizens, not only has the authority to punish individuals who violate the rules of the society but, more important, has a duty to punish them. When such an authority fails to fulfill this duty, breakdown in the social order can quickly result.

The arrangement of citizens promising to abide by the rules of laws set forth by a given society in return for protection is commonly referred to as the social contract. Hobbes introduced this idea, but it was also emphasized by other Enlightenment theorists after him, such as Jean-Jacques Rousseau, John Locke, Voltaire, and Baron Charles Montesquieu. The idea of the social contract is an extraordinarily important part of Enlightenment philosophy. Although Enlightenment philosophers had significant differences, if citizens observe people being punished for violating the rules of the society, they are less likely to commit the same offense.

Another shared belief among Enlightenment philosophers was that the people should be given a say in the government, especially the justice system. All of them emphasized fairness in determining who was guilty as well as appropriate punishments or sentences. During the time in which Enlightenment philosophers wrote, individuals who stole a loaf of bread to feed their families were sentenced to death, whereas upper-class individuals who stole large sums of money or committed murder were pardoned. This goes against common sense; moreover, it violates the social contract. If citizens observe people being excused for violating the law, then their belief in the social contract breaks down. This same feeling can be applied to modern times. When the Los Angeles police officers who were filmed beating suspect Rodney King were acquitted of criminal charges in 1992, a massive riot erupted among the citizens of the community. This is a good example of the social contract breaking down when people realize that the government is failing to punish members of the community (in this case, ironically, and significantly, police officers) who have violated its rules.10

The concept of the social contract was likely the most important contribution of Enlightenment philosophers, but there were others. Another key concept of Enlightenment philosophers focused on democracy, emphasizing that...
every person in society should have a say via the government; specifically, they promoted the idea of "one person, one vote." Granted, at the time they wrote, this meant one vote for each White, landowning male, and not for women, minorities, or the poor, but it was a step in the right direction. Until then, no individuals outside of the aristocracy had had any say in government or the justice system.

The Enlightenment philosophers also talked about each individual's right to life, liberty, and the pursuit of happiness. This probably sounds familiar because it is contained in the U.S. Declaration of Independence. Until the Enlightenment, individuals were not considered to have these rights; rather, they were seen as instruments for serving totalitarian governments. Although most citizens of the Western world take these rights for granted, they did not exist prior to the Age of Enlightenment.

Perhaps the most relevant concept that Enlightenment philosophers emphasized, as mentioned previously, was the idea that human beings are rational and therefore have free will. The philosophers of this age focused on the ability of individuals to consider the consequences of their actions, and they assumed that people freely choose their behavior (or lack thereof), especially in regard to criminal activity. Beccaria, the father of criminal justice, made this assumption (or lack thereof) in his formulation of what is considered to be the first bona fide theory of why people commit crime, described next.

The Classical School of Criminology

The foundation of the Classical School of criminological theorizing is typically traced to the Enlightenment philosophers, but the specific origin of the Classical School is considered to be the 1764 publication of On Crimes and Punishments by Italian scholar Cesare Beccaria, commonly known as Cesare Beccaria. Amazingly, he wrote this book at the age of 26 and published it anonymously, but its almost instant popularity persuaded him to come forward as the author. Due to this significant work, most experts consider Beccaria the father of criminal justice and the father of the Classical School of criminology but perhaps most importantly, the father of deterrence theory. This section provides a comprehensive survey of the ideas and impact of Cesare Beccaria and the Classical School.

Influences on Beccaria and His Writings

The Enlightenment philosophers had a profound impact on the social and political climate of the late 1600s and 1700s. Growing up in this time period, Beccaria was a child of the Enlightenment, and as such, he was highly influenced by the concepts and propositions that these great thinkers proposed. The Enlightenment philosophy is readily evident in Beccaria's essay, and he incorporates many of its assumptions into his work. As a student of law, Beccaria had a good background for determining what was and was not rational in legal policy. But his loyalty to the Enlightenment ideals were ever present throughout his work.

Beccaria emphasized the concept of the social contract and incorporated the idea that citizens give up certain rights in exchange for the state's or government's protection. He also asserted that acts or punishments by the government that violate the overall sense of unity will not be accepted by the populace, largely due to the need for the social contract to be a fair deal. Beccaria explicitly stated that laws are compacts of free individuals in a society. In addition, he specifically noted his appeal to the ideal of the greatest happiness shared by the greatest number, which is otherwise known as utilitarianism. This, too, was a focus of Enlightenment philosophers. Finally, Enlightenment philosophy is present in virtually all of his propositions; he directly cited Hobbes, Montesquieu, and other Enlightenment thinkers in his work.11

Beccaria’s Proposed Reforms and Ideas of Justice

When Beccaria wrote, authoritarian governments ruled the justice systems, which were actually quite unjust during that time. For example, it was not uncommon for a person who stole a loaf of bread in order to feed his or her family to be imprisoned for life or executed. A good example of this is seen in the story of Victor Hugo's Les Misérables. The protagonist, Jean Valjean, gets a lengthy prison sentence for stealing food for his starving loved ones. On the other hand, a judge might excuse a person who had committed several murders because the confessed killer was from a prominent family.

Beccaria sought to rid the justice system of such arbitrary acts on the part of individual judges. Specifically, Beccaria claimed in his essay that "only laws can decree punishments for crimes... judges in criminal cases cannot have the authority to interpret laws." Rather, he believed that legislatures, elected by the citizens, must define crimes and the specific punishment for each criminal offense. One of his main goals was to prevent a single person from assigning an overly harsh sentence to a defendant and allowing another defendant in a similar case to walk free for the same criminal act, which was quite common at that time. Thus, Beccaria's writings call for a set punishment for a given offense without consideration of the presiding judge's personal attitudes or the defendant's background.

Beccaria believed that the true measure of crimes is the harm done to society. Thus, anyone at all who committed a given act against the society should face the same consequence. He was very clear that the law should impose a specific punishment for a given act, regardless of the circumstances. One aspect of this principle was that it ignored the intent the offender had in committing the crime. Obviously, this principle is not followed in most modern justice systems; intent often plays a key role in the charges and sentencing of defendants in many types of crimes. Most notably, the different degrees of homicide in most U.S. jurisdictions include first-degree murder, which requires proof of planning or malice aforethought; second-degree murder, which typically involves no evidence of planning but rather a spontaneous act of killing; and various degrees of manslaughter, which generally include some level of provocation on the part of the victim. This is just one example of the importance of intent, legally known as mens rea (literally, guilty mind), in most modern justice systems. Many types of offending are graded by degree of intent as opposed to being categorized based only on the act itself, legally known as actus reus (literally, guilty act). Beccaria's propositions focus on only the actus reus because he claimed that an act against society was just as harmful, regardless of the intent, or mens rea. Despite his recommendations, most societies factor in the intent of the offender in criminal activity. Still, his proposal that a given act should always receive the same punishment certainly seemed to represent a significant improvement over the arbitrary punishments handed out by the regimes and justice systems of the 1700s.


12 Ibid., 64.
Another important reform that Beccaria proposed was to do away with practices that were common in "justice" systems of the time (the word justice is in quotation marks because they were largely systems of injustice). Specifically, Beccaria claimed that secret accusations should not be permitted; rather, defendants should be able to confront and cross-examine witnesses. Writing about secret accusations, he said, "Their customary use makes men false and deceptive"; he asked, "Who can defend himself against calumny when he comes armed with tyranny's strongest shield, secrecy?" Although some modern countries still accept and use secret accusations and disallow the cross-examination of witnesses, Beccaria set the standard in guaranteeing such rights to defendants in the United States and most Western societies.

In addition, Beccaria argued that torture should not be used against defendants:

A cruelty consecrated by the practice of most nations is torture of the accused ... either to make him confess the crime or to clear up contradictory statements, or to discover accomplices ... to discover other crimes of which he might be guilty but of which he is not accused.\(^{13}\)

Although some countries, such as Israel and Mexico, currently allow the use of torture for eliciting information or confessions, most countries abstain from the practice. There has been wide discussion about a memo, written by former U.S. attorney general Alberto Gonzales when he was President George W. Bush's lead counsel at the White House, claiming that the U.S. military could use torture against terrorist suspects. However, at least in terms of domestic criminal defendants, the United States has traditionally agreed with Beccaria, who believed that any information or oaths obtained under torture are relatively worthless. Beccaria's belief in the worthlessness of torture is further seen in his statement that "it is useless to reveal the author of a crime that lies deeply buried in darkness."\(^{12}\)

It is likely that Beccaria believed the use of torture was one of the worst aspects of the criminal justice systems of his time and a horrible manifestation of the barbarous common in the Middle Ages. This is seen in his further elaboration of torture:

This infamous crucible of truth is a still-standing memorial of the ancient and barbarous legislation of a time when trials by fire and by boiling water, as well as the uncertain outcomes of duels, were called "judgments of God."\(^{13}\)

Beccaria also expressed his doubt of the relevance of any information received via torture:

Thus the impression of pain may become so great that, filling the entire sensory capacity of the tortured person, it leaves him free only to choose what for the moment is the shortest way of escape from pain.\(^{11}\)

As Beccaria saw it, the policy implications from such use of torture are that "of two men, equally innocent or equally guilty, the strong and courageous will be acquitted, the weak and timid condemned."\(^{14}\)

Beccaria also claimed that defendants should be tried by fellow citizens or peers, not by judges:

I consider an excellent law that which assigns popular jurors, taken by lot, to assist the chief judge ... each man ought to be judged by his peers.\(^{28}\)

It is clear that Beccaria felt that the responsibility of determining the facts of a case should be placed in the hands of more than one person, a belief driven by his Enlightenment beliefs about democratic philosophy—namely, that citizens of the society should have a voice in judging the facts and deciding the verdicts of criminal cases. This proposition is representative of Beccaria's overall leaning toward fairness and democratic processes, which Enlightenment philosophers shared.

Today, U.S. citizens often take for granted the right to have a trial by a jury of their peers. It may surprise some readers to know that some modern, developed countries have not provided this right. For example, in the 1990s, Russia held jury trials for the first time in 85 years. When Vladimir Lenin was in charge of Russia, he had banished jury trials. Over the course of several decades, the bench trials in Russia produced a 59.6% rate of convictions. This means that virtually every person in Russia who was accused of a crime was found guilty. Given the relatively high percentage of defendants found to be innocent of crimes in the United States—not to mention the numerous people who have been released from death row after DNA analysis showed that they were not guilty—it is rather frightening to think of how many falsely accused individuals have been convicted and unjustly sentenced in Russia over the past century.

Another important aspect of Beccaria's reforms involved making the justice system, particularly its laws and decisions, more public and better understood. This fits the Enlightenment assumption that individuals are rational. If people know the consequences of their actions, they will act accordingly. Beccaria stated that "when the number of those who can understand the sacred code of laws and hold it in their hands increases, the frequency of crimes will be found to decrease."\(^{12}\)

At the time, these laws were often unknown to the populace, in part because of widespread illiteracy but perhaps more as a result of the failure to publicly declare what the laws were. Even when laws were posted, they were often in languages that the citizens did not read or speak (e.g., Latin). Thus, Beccaria stressed the need for society to ensure that its citizens be educated about what the laws are; he believed that this alone would lead to a significant decrease in law violations.

Furthermore, Beccaria believed that the important stages and decision-making processes of any justice system should be made public knowledge rather than being held in secret or carried out behind closed doors. He stated, "Punishment ... must be essentially public."\(^{28}\) This has a highly democratic and Enlightenment ring to it, in the sense that citizens of a society are assumed to have the right to know what vital judgments are being made. After all, in a democratic society, citizens give the government the profound responsibility of distributing punishment for crimes against the society. The citizens are entitled to know what decisions their government officials are making, particularly regarding justice. Besides providing knowledge and understanding of what is going on, this sets in place a form of checks and balances on what is happening. Furthermore, the public nature of trials and punishments inherently produces a form of deterrence for those individuals who may be considering criminal activity.

One of Beccaria's most profound and important proposed reforms is one of the least noted. Beccaria said, "The surest but most difficult way to prevent crimes is by perfecting education."\(^{15}\) We know of no other review of his work that notes this hypothesis, which is quite amazing, because most of the reviews are done for an educational audience. Furthermore, this emphasis on education makes sense, given Beccaria's focus on knowledge of laws and consequences of criminal activity as well as his focus on deterrence.

\(^{12}\)Ibid., 25-26.

\(^{13}\)Ibid., 30.

\(^{14}\)Ibid., 30-31.

\(^{15}\)Ibid., 31.

\(^{16}\)Ibid., 32.

\(^{17}\)Ibid., 21.

\(^{18}\)Ibid., 17.

\(^{19}\)Ibid., 99.

\(^{20}\)Ibid., 98.
Beccaria's Ideas regarding the Death Penalty

Another primary area of Beccaria's reforms dealt with the use—and, in his day, the abuse—of the death penalty. First, let it be said that Beccaria was against the use of capital punishment. (Interestingly, he was not against corporal punishment, which he explicitly stated was appropriate for violent offenders.) Perhaps this was due to the times in which he wrote, in which a large number of people were put to death, often by harsh methods. Still, Beccaria had several rational reasons for why he felt the death penalty was not an efficient and effective punishment.

First, Beccaria argued that the use of capital punishment inherently violated the social contract:

Is it conceivable that the least sacrifice of each person's liberty should include sacrifice of the greatest of all goods, life? ... The punishment of death, therefore, is not a right, for I have demonstrated that it cannot be such; but it is the war of a nation against a citizen whose destruction it judges to be necessary or useful.24

The second reason that Beccaria felt that the death penalty was an inappropriate form of punishment was along the same lines: If the government endorsed the death of a citizen, it would provide a negative example to the rest of society. He said, "The death penalty cannot be useful, because of the example of barbarity it gives men."25 Although some studies show some evidence that use of the death penalty in the United States deters crime,26 most studies show no effect or even a positive effect on homicides. Researcher have called this increase of homicides after executions the "brutalization effect" and a similar phenomenon can be seen at sporting events (boxing matches, hockey games, soccer or football games, etc.) when violence breaks out among spectators. There have even been incidents in recent years at youth sporting events.

To further complicate the possible contradictory effects of capital punishment, some analyses show that both deterrence and brutalization occur at the same time for different types of murder or crime, depending on the level of planning or spontaneity of a given act. For example, a sophisticated analysis of homicide data from California of planning or spontaneity of a given act. For example, a sophisticated analysis of homicide data from California examined the effects of a high-profile execution in 1992, largely because it was the first one in the state in 25 years.27

As predicted, the authors found that nonstranger felony murders, which typically involve some planning, significantly decreased after the high-profile execution, whereas the level of argument-based, stranger murders, which are typically more spontaneous, significantly increased during the same period. Thus, both deterrence and brutalization effects were observed at the same time and location following a given execution.

Another primary reason that Beccaria was against the use of capital punishment was that he believed it was an ineffective deterrent. Specifically, he thought that a punishment that was quick, such as the death penalty, could not be as effective a deterrent as a drawn-out penalty. He stated, "It is not the intensity of punishment that has the greatest effect on the human spirit, but its duration."28 It is likely that many readers can relate to this type of argument, not that they necessarily agree with it; the idea of spending the rest of one's life in a cell is a very scary concept to most people. To many people, such a concept is more frightening than death, which supports Beccaria's idea that the duration of the punishment may be more of a deterrent than the short, albeit extremely intense, punishment of execution.

Beccaria's Concept of Deterrence and the Three Key Elements of Punishment

Beccaria is generally considered the father of deterrence theory for good reason. Beccaria was the first known scholar to write a work that summarized such extravagant ideas regarding the direction of human behavior toward choice as opposed to fate or destiny. Prior to his work, the common wisdom on the issue of human destiny was that it was chosen by the gods or God. At that time, governments and societies generally believed that people are born either good or bad. Beccaria, as a child of the Enlightenment, defied this belief in proclaiming that people freely choose their destinies and thus their decisions to commit or not commit criminal behavior.

Beccaria suggested three characteristics of punishment that make a significant difference in whether an individual decides to commit a criminal act: clarity (swiftness), certainty, and severity.

Swiftness

The first of these characteristics was clarity, which we will refer to as swiftness of punishment. Beccaria saw two reasons why swiftness of punishment is important. At the time he wrote, some defendants were spending many years awaiting trial. Often, trial was a longer time than they would have been locked up as punishment for their offense.29 This is an example of punishment that was slow to respond to offenders.

The second reason that Beccaria emphasized swift sentencing was related to the deterrent aspect of punishment. A swift trial and swift punishment were important. Beccaria, said, "because of privation of liberty, being itself a punishment, should not precede the sentence." He felt that this "privation of liberty" was not only unjust in the sense that some of these defendants would not have been incarcerated for such a long period even if they had been convicted and sentenced to the maximum for the charges they were accused of committing, but also detrimental because the individual would not link the sanction with the violation(s) committed. Specifically, Beccaria believed that people build an association between the pains of punishment and their criminal acts. He asserted the following:

Ibid., 55.

Bl., 46–47.

Section II - Preclassical and Classical Theories of Crime

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Swiftness

The first of these characteristics was clarity, which we will refer to as swiftness of punishment. Beccaria saw two reasons why swiftness of punishment is important. At the time he wrote, some defendants were spending many years awaiting trial. Often, trial was a longer time than they would have been locked up as punishment for their offense. This is an example of punishment that was slow to respond to offenders.

The second reason that Beccaria emphasized swift sentencing was related to the deterrent aspect of punishment. A swift trial and swift punishment were important. Beccaria, said, "because of privation of liberty, being itself a punishment, should not precede the sentence." He felt that this "privation of liberty" was not only unjust in the sense that some of these defendants would not have been incarcerated for such a long period even if they had been convicted and sentenced to the maximum for the charges they were accused of committing, but also detrimental because the individual would not link the sanction with the violation(s) committed. Specifically, Beccaria believed that people build an association between the pains of punishment and their criminal acts. He asserted the following:

Ibid., 55.
Promptness of punishments is more useful because when the length of time that passes between the punishment and the misdeed is less, so much the stronger and more lasting in the human mind is the association of these two ideas, crime and punishment; they then come insensibly to be considered, one as the cause, the other as the necessary inevitable effect. It has been demonstrated that the association of ideas is the cement that forms the entire fabric of the human intellect.32

An analogy can be made to training animals or children; you have to catch them in the act, or soon after, or the punishment doesn’t matter because the offender doesn’t know why he or she is being punished. Ultimately, Beccaria argued that, for both reform and deterrence reasons, punishment should occur quickly after the act. Despite the commonsense aspects of making punishments swift, this has not been examined by modern empirical research and therefore is the most neglected of the three elements of punishment Beccaria emphasized.

Case Study: Deborah Jean Palfrey

Deborah Jean Palfrey, known as the “DC Madam,” was brought up on charges of racketeering and money laundering related to running a prostitution ring in Washington, D.C., and surrounding suburbs in Maryland and Virginia. The clientele of this prostitution ring included some notable politicians, such as state senators and other elected officials. Palfrey faced a maximum of 55 years in prison but likely would have received far less time had she not committed suicide before her sentencing. Her body was found in a storage facility at her mother’s home in Tarpon Springs, Florida.

News reports revealed that she had served time before (for prostitution). Author Dan Moldea told Time magazine that she had contacted him for a book he was working on and told him “she had done time once before . . . and it damned near killed her. She said there was enormous stress—it made her sick, she couldn’t take it, and she wasn’t going to let that happen again.”33 The situation could have been worsened by the heightened media attention this case received; while most prostitution cases are handled by local or state courts, this one was handled by federal courts because it concerned Washington, DC.

32Ibid., 56.


It is quite likely that the impending maximum prison sentence led her to take her own life, given what she had said to Moldea. This shows the type of deterrent effect that jail or prison can have on an individual—this is clear, possibly leading her to choose death over serving time. Ironically, Palfrey had commented to the press, after the suicide of a former employee in her prostitution network—Brandy Britton, who hanged herself before going to trial—“I guess I’m made of something that Brandy Britton wasn’t made of.”34 It seems that Palfrey had the same concerns as Britton, and she ended up contradicting her bold statement when she ended her own life.

This case study provides an example of the profound effects legal sanctions can have on individuals. Legal sanctions are not meant to inspire offenders to end their lives, but this case does illustrate the potential deterrent effects of facing punishment from the legal system. We can see this on a smaller scale when a speeding driver’s heart rate increases at the sight of a highway patrol or other police vehicle (which studies show happens to most drivers). Even though this offense would result in only a fine, it is a good example of deterrence in our everyday lives. We will revisit the Palfrey case at the conclusion of this section, after you have had a chance to review some of the theoretical propositions and concepts that make up deterrence theory.

On a related note, a special report from the U.S. Department of Justice (DOJ), Bureau of Justice Statistics (BJS), concludes that the suicide rate has been far higher among jail inmates than among prison inmates.35 Specifically, suicides in jails have tended over the past few decades to occur 300% (or 3 times) more often than among prison inmates.

A likely reason for this phenomenon is that many persons arrested and/or awaiting trial (which is generally the status of those in jail) have more to lose, such as their relationships with family, friends, and employers, than do the typical chronic offenders that end up in prison. Specifically, many of the individuals picked up for prostitution and other relatively minor, albeit embarrassing, offenses are of the middle- and upper-class mentality and, thus, are ill equipped to face the real-world consequences of their arrest. The good news is, this same DOJ report showed that suicides in both jails and prisons have decreased during the past few decades, likely due to better policies in correctional settings regarding persons considered at “high risk” for suicide.

Think About It

1. Do you think that some of the clientele (e.g., notable politicians) should have also been charged for a criminal offense?
2. Do you think it made a difference that this case was handled by federal courts rather than local or state courts?
3. Do you think prostitution should be legal?

34Ibid.

Certainty

The second characteristic that Beccaria felt was vital to the effectiveness of deterrence was **certainty of punishment**. Beccaria considered this the most important quality of punishment: “Even the least of evils, when they are certain, always terrify men’s minds.” He also said, “The certainty of punishment, even if it be moderate, will always make a stronger impression than the fear of another which is more terrible but combined with the hope of impunity.” As scientific studies later showed, Beccaria was accurate in his assumption that perceived certainty or risk of punishment was the most important aspect of deterrence.

It is interesting to note that certainty is the least likely characteristic of punishment to be enhanced in modern criminal justice policy. Over the past few decades, the likelihood that criminals will be caught and arrested has not increased. Law enforcement officials have been able to clear only about 21% of known felonies. Such clearance rates are based on the rate at which known suspects are apprehended for crimes reported to police. Law enforcement officials are no better at solving serious crimes known to police (CRP) than they were in past decades, despite increased knowledge and resources put toward solving such crimes.

Severity

The third characteristic that Beccaria emphasized was **severity of punishment**. Specifically, Beccaria claimed that, for a punishment to be effective, the possible penalty must outweigh the potential benefits (e.g., financial payoff) of a given crime. However, this criterion came with a caveat. This aspect of punishment was perhaps the most complicated part of Beccaria’s philosophy, primarily because he thought that too much severity would lead to more crime, but the punishment must exceed any benefits expected from the crime. Beccaria said the following:

> For a punishment to attain its end, the evil which it inflicts has only to exceed the advantage derivable from the crime; in this excess of evil one should include the ... loss of the good which the crime might have produced. All beyond this is superfluous and for that reason tyrannical.

Beccaria made clear in this statement that punishments should equal or outweigh any benefits of a crime to deter individuals from engaging in such acts. However, he also explicitly stated that any punishments that largely exceed the reasonable punishment for a given crime are inhumane and may lead to further criminality.

A modern example of how punishments can be taken to an extreme and thereby cause more crime rather than deter it is the current three-strikes law approach. Such laws have come into common practice in many states, such as California. In such jurisdictions, individuals who have committed two prior felonies can be sentenced to life imprisonment for committing a crime, even a nonviolent crime, that the state statutes consider a serious felony. Such laws have been known to drive some relatively minor property offenders to become violent when they know that they will be incarcerated for life when they are caught. A number of offenders have even wounded or killed people to avoid apprehension, knowing that they would face life imprisonment even for a relatively minor property offense. In a recent study, the authors analyzed the impact of three-strikes laws in 188 large cities in the 25 states that have such laws and concluded that there was no significant reduction in crime rates as a result. Furthermore, the areas with three-strikes laws typically had higher rates of homicide.

Ultimately, Beccaria’s philosophy on the three characteristics of good punishment in terms of deterrence—certainty, severity, and certainty—is still highly respected and followed in most Western criminal justice systems. Despite its contemporary flaws and caveats, perhaps no other traditional framework is so widely adopted. With only one exception—namely, his proposal that a given act should always be punished in exactly the same way (see the next section)—Beccaria’s concepts and propositions are still considered the ideal in virtually all Western criminal justice systems.

Beccaria’s Conceptualization of Specific and General Deterrence

Beccaria also defined two identifiable forms of deterrence: specific and general. Although these two forms of deterrence tend to overlap in most sentences given by judges, they can be distinguished in terms of the intended target of the punishment. Sometimes the emphasis is clearly on one or the other, as Beccaria noted in his work.

Although Beccaria did not coin the terms **specific deterrence** and **general deterrence**, he clearly made the case that both are important. Regarding punishment, he said, “The purpose can only be to prevent the criminal from inflicting new injuries on its citizens and to deter others from similar acts.” The first portion of this statement—preventing the criminal from reoffending—focuses on the defendant and the defendant alone, regardless of any possible offending by others. Punishments that focus primarily on the individual are considered specific deterrence, also referred to as special or individual deterrence. This concept is appropriately labeled because the emphasis is on the specific individual who offended. On the other hand, the latter portion of Beccaria’s quotation emphasizes the deterrence of others, regardless of whether the individual criminal is deterred. Punishments that focus primarily on other potential criminals and not on the actual criminal are referred to as general deterrence.

Readers may wonder how a punishment would not be inherently both a specific and general deterrent. After all, in today’s society, virtually all criminal punishments given to individuals (i.e., specific deterrence) are prescribed in court, a public venue, so people are somewhat aware of the sanctions (i.e., general deterrence). However, when Beccaria wrote in the 18th century, much if not most sentencing was done behind closed doors and was not known to the public and had no way to deter other potential offenders. Therefore, Beccaria saw much utility in letting the public know what punishments were handed out for given crimes. This fulfilled the goal of general deterrence, which was essentially scaring others into not committing such criminal acts, while it also furthered his reforms by letting the public know whether fair and balanced justice was being administered.

Despite the obvious overlap, there are identifiable distinctions between specific and general deterrence seen in modern sentencing strategy. For example, some judges have chosen to hand out punishments to defendants in which they are obligated, as a condition of their probation or parole, to walk along their towns’ main streets while wearing signs that say “Convicted Child Molester” or “Convicted Shoplifter.” Other cities have implemented policies in which pictures and identifying information of those individuals who are arrested, such as prostitutes or men who solicit them, are put in newspapers or placed on billboards.

These punishment strategies are not likely to be much of a specific deterrent. Having now been labeled, these individuals may actually be psychologically encouraged to engage in doing what the public expects them to do. The specific deterrent effect may not be particularly strong. However, authorities are hoping for a strong general

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3Beccaria, Crimes and Punishments, 58.
4Ibid., 58.
6Beccaria, Crimes and Punishments, 43.
deterrent effect in most of these cases. They expect that many of the people who see these sign-laden individuals on the streets or in public pictures are going to be frightened away from engaging in similar activity. There are also numerous diversion programs, particularly for juvenile, first-time, and minor offenders, which seek to punish offenders without engaging them in public hearings or trials. The goal of such programs is to hold the individuals accountable and have them fulfill certain obligations without having them dragged through the system, which is often public. Thus, the goal is obviously to instill specific deterrence without using the person as a poster child for the public, which obviously negates any aspects of general deterrence. Although most judges invoke both specific and general deterrence in many of the criminal sentences that they hand out, there are notable cases in which either specific or general deterrence is emphasized, sometimes exclusively. Ultimately, Beccaria seemed to emphasize general deterrence and overall crime prevention, as suggested by his statement that “it is better to prevent crimes than to punish them. This is the ultimate end of every good legislation.” This claim implies that it is better to deter potential offenders before they offend rather than imposing sanctions on already convicted criminals. Beccaria’s emphasis on prevention (over reaction) and general deterrence is also evident in his claim that education is likely the best way to reduce crime. After all, the more educated an individual is regarding the law and potential punishments, as well as public cases in which offenders have been punished, the less likely he or she will be to engage in such activity. Beccaria’s identification of the differential emphasis in terms of punishment was a key element in his work that continues to be important in modern times.

A Summary of Beccaria’s Ideas and His Influence on Policy

Ultimately, Beccaria summarized his ideas on reforms and deterrence with this statement:

In order for punishment not to be, in every instance, an act of violence on one or of many against a private citizen, it must be essentially public, prompt, necessary, the least possible in the given circumstances, proportionate to the crimes, dictated by the laws. 42

In this statement, Beccaria is saying that the processing and punishment administered by justice systems must be known to the public, which delegates to the state the authority to make such decisions. Furthermore, he asserted that the punishment must be appropriately swift, certain (i.e., necessary), and appropriately severe, which fits his concept of deterrence. Finally, he reiterated the need to administer the same punishment every time for a given criminal act, as opposed to having arbitrary punishments imposed by one judge. These are just some of many ideas that Beccaria proposed, but he apparently saw these points as being the most important.

Although we, as U.S. citizens, take for granted the rights proposed by Beccaria, they were quite unique concepts during the 18th century. In fact, the ideas proposed by Beccaria were so unusual and revolutionary that when he published his book anonymously. It is obvious that Beccaria was considerably worried about being accused of blasphemy by the church and of being persecuted by governments for his views.

Regarding the first claim, Beccaria was right; the Roman Catholic Church excommunicated Beccaria when it became known that he wrote the book. In fact, his book remained on the list of condemned works until relatively recently (the 1960s). On the other hand, government officials of the time surprisingly embraced his work. The Italian government and most European and other world officials, particularly dictators, embraced his work as well.

Beccaria was invited to visit many other country capitals, even those of the most authoritarian states at that time, to help reform their criminal justice systems. For example, Beccaria was invited to meet with Catherine the Great, the czarina of Russia, during the late 1700s, to help revise and improve Russian’s justice system. Most historical records suggest that Beccaria was not a great diplomat or representative of his ideas, largely because he was not physically or socially adequate for such endeavors. However, his ideas were strong and stood on their own merit. Dictators and authoritarian governments may have liked Beccaria’s reform framework so much because it explicitly stated that treason was the most serious crime. Be said this:

The first class of crime, which are the gravest because most injurious, are those known as crimes of lese majesty [high treason], . . . Every crime . . . injures society, but it is not every crime that aims at its immediate destruction.43

According to Enlightenment philosophy, violations of law are criminal acts not only against the direct victims but also against the entire society because they break the social contract. As Beccaria stated, the most heinous criminal acts are those that directly violate the social contract, which would be treason and espionage. In Beccaria’s reform proposals, dictators may have seen a chance to pacify revolutionary citizens who might be aiming to overthrow their governments. In many cases, reforms were only a temporary solution. After all, the American Revolution occurred in the 1770s, the French Revolution occurred in the 1780s, and other revolutions occurred soon after this period.

Governments that tried to apply Beccaria’s ideas to the letter experienced problems, but generally, most European (and American) societies that incorporated his ideas had fairer and more democratic justice systems than they’d had before Beccaria. This is why, to this day, he is considered the father of criminal justice.

The Impact of Beccaria’s Work on Other Theorists

Beccaria’s work had an immediate impact on the political and philosophical state of affairs in the late 18th century. He was invited to many other countries to reform their justice systems, and his propositions and theoretical model of deterrence were incorporated into many of the new constitutions of countries, most of them formed after major revolutions. The most notable of these was the Constitution and Bill of Rights of the United States.

It is quite obvious that the many founding documents constructed before and during the American Revolution in the late 1700s were heavily influenced by Beccaria and other Enlightenment philosophers. Specifically, the concept that the U.S. government is “of the people, by the people, and for the people” makes it clear that the Enlightenment idea of democracy and voice in government is of utmost importance. Another clear example is the emphasis on due process and individual rights in the U.S. Bill of Rights. Among the important concepts derived from Beccaria’s work are the right to trial by jury, the right to confront and cross-examine witnesses, the right to a speedy trial, and the right to be informed about decisions of the justice system (charges, pleas, trials, verdicts, sentences, etc.).

The impact of Beccaria’s ideas on the working ideology of our system of justice cannot be overstated. The public nature of our justice system comes from Beccaria, as does the emphasis on deterrence. The United States, as well as virtually all Western countries, incorporates in its justice system the certainty and severity of punishment to reduce crime. This system of deterrence remains the dominant model in criminal justice. The goal is to deter potential and previous offenders from committing crime by enforcing punishments that will make them reconsider the next time they think about engaging in such activity. This model assumes a rationally thinking human being, as described by Enlightenment philosophy, who can learn from past experiences or from seeing others punished for offenses that he or she is rationally thinking about committing. Thus, Beccaria’s work has had a profound impact on the existing philosophy and workings of most justice systems throughout the world.

Beyond this, Beccaria also had a large impact on further theorizing about human decision making related to committing criminal behavior. One of the more notable theorists inspired by Beccaria’s ideas was Jeremy Bentham (1748-1832) of England, who has become a well-known classical theorist in his own right,

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42Beccaria, Crimes and Punishments, 93.
43Ibid., 99.
perhaps because he helped spread the Enlightenment/Beccarian philosophy to Britain. His influence in the development of classical theorizing is debated, and a number of major texts do not cover his writings, at all. Although he did not add a significant amount of theorizing beyond Beccaria's propositions regarding reform and deterrence, Bentham did further refine the ideas presented by previous theorists, and his legacy is well known.

One of the more important contributions of Bentham was the concept of hedonistic calculus, which is essentially the weighing of pleasure versus pain. This, of course, is strongly based on the Enlightenment/Beccarian concept of rational choice and utility. After all, if the expected pain outweighs the expected benefit of doing a given act, the rational individual is far less likely to do it. On the other hand, if the expected pleasure outweighs the expected pain, a rational person will engage in the act. Bentham listed a set of criteria that he thought would go into the decision making of a rational individual. An analogy would be an imagined two-sided balance scale on which the pros and cons of crimes are considered, and then the individual makes a rational decision about whether to commit the crime.

Beyond the idea of hedonistic calculus, Bentham's contributions to the overall assumptions of classical theorizing did not significantly revise the theoretical model. Perhaps the most important contribution he made to the Classical School was helping to popularize the framework in Britain. In fact, Bentham became better known for his design of a prison structure, known as the panopticon, which was used in several countries and in early Pennsylvania penitentiaries. This model of prisons used a type of wagon wheel design, in which a post at the center allowed 360-degree visual observation of the various “spokes”—that is, hallways that contained all of the inmate cells.

The Neoclassical School of Criminology

A number of governments, including the newly formed United States, incorporated Beccaria’s concepts and propositions in the development of their justice systems. The government that most strictly applied Beccaria’s ideas—France after the French Revolution of the late 1780s—found that it worked pretty well except for one concept. Beccaria believed that every individual who committed a certain act against the law should be punished the same way. Although equality in punishment sounds like a good philosophy, the French realized very quickly that not every one should be punished equally for a certain act.

The French system found that giving a first-time offender the same sentence as a repeat offender did not make much sense, especially when the first-time offender was a juvenile. Furthermore, there were many circumstances in which a defendant appeared to be unamiable in doing an act, such as when he or she had limited mental capacity or acted out of necessity. Perhaps most important, Beccaria’s framework specifically dismissed the intent (i.e., mens rea) of criminal offenders while focusing only on the harm done to society by a given act (i.e., actus reus). French society, as well as most modern societies such as the United States, deviated from Beccaria’s framework in taking the intent of offenders into account, often in a very important way, such as in determining what type of charges should be filed against those accused of homicide. Therefore, a new school of thought regarding the classical or deterrence model developed, which became known as the Neoclassical School of criminology.

The only significant difference between the Neoclassical School and the Classical School of criminology is that the Neoclassical (neo means “new”) school takes into account contextual circumstances of the individual or situation, allowing for increases or decreases in the punishment. For example, would a society want to punish a 12-year-old first-time offender the same way they would punish a 35-year-old who shoplifted the same item a second time? Does a society want to punish a mentally challenged person for stealing a car once as much as they would punish a person without disabilities who has been convicted of stealing more than a dozen cars? The answer is probably not—or at least, that is what most modern criminal justice authorities have decided, including those in the United States.

This was also the conclusion of French society, which quickly realized that, in this respect, Beccaria’s system was neither fair nor effective in terms of deterrence. They came to acknowledge that circumstantial factors play an important part in how malicious or guilty a certain defendant is in committing a given crime. The French revised their laws to take into account both mitigating and aggravating circumstances. This neoclassical concept became the standard in all Western justice systems.

The United States also followed this model and considers contextual factors in virtually all of its charges and sentencing decisions. For example, juvenile defendants are actually processed in completely different courts. Furthermore, defendants who are first-time offenders are generally given options for diversion programs or probation as long as their offenses are not serious.

While the Neoclassical School added an important caveat to the previously important Classical School, it assumes virtually all other concepts and propositions of the Classical School: The social contract, due process rights, and the idea that rational beings will be deterred by the certainty, swiftness, and severity of punishment. This neoclassical framework had, and continues to have, an extremely important impact on the world.

Loss of Dominance of Classical and Neoclassical Theory

For about 100 years after Beccaria wrote his book, the Classical and Neoclassical Schools were dominant in criminological theorizing. During this time, most governments—especially those in the Western world—shifted their justice frameworks toward the neoclassical model. This has not changed even in modern times. For example, when officials attempt to reduce certain illegal behaviors, they increase the punishments or put more effort into catching relevant offenders.

However, the classical and neoclassical frameworks lost dominance among academics and scientists in the 19th century and especially after Darwin’s publication in 1859 of The Origin of Species, which introduced the concept of evolution and natural selection. This perspective shed new light on other influences on human behavior beyond free will and rational choice (e.g., genetics, psychological deficits). Despite this shift in emphasis among academic and scientific circles, the actual workings of the justice systems of most Western societies still retain the framework of classical and neoclassical models as their model of justice.
Policy Implications

Many policies are based on deterrence theory: the premise that increasing the certainty and/or severity of sanctions will deter crime. This is seen throughout our system of law enforcement, courts, and corrections. This is rather interesting, given the fact that classical deterrence theory has not been the dominant explanatory model among criminologists for decades. In fact, a recent poll of close to 400 criminologists in the nation ranked classical theory 22nd out of 24 theories in terms of being the most valid explanation of serious and persistent offending. Still, given the dominance of classical deterrence theory in most criminal justice policies, it is very important to discuss the most common strategies, as well as those that do not appear to be effective, or in some cases are detrimental.

First, the death penalty is used as a general deterrent for committing crime in most U.S. state jurisdictions. As the father of deterrence theory predicted, most studies show that capital punishment has a negligible effect on criminality. A recent review of the extant literature concluded that "the death penalty does not deter crime." In fact, some studies show evidence for a brutalization effect, an increase in homicides after a high-profile execution. Although the evidence is somewhat mixed, it is safe to say that the death penalty is not a consistent deterrent.

Another policy flowing from classical and neoclassical models is adding more police officers to deter crime in a given area. A recent review of the existing literature concluded that simply "adding more police officers will not reduce crime." Rather, it is generally up to communities to police themselves via informal factors of control (family, church, community ties, etc.). However, this same review did find that police engagement in problem-solving activities at a specific location can sometimes reduce crime, but at that point the strategy is not based on deterrence. Furthermore, a recent report concluded that proactive arrests for drunk driving have consistently been found to reduce such behavior, as does arresting offenders for domestic violence, but only if these measures are employed consistently.

Conclusion

This section examined the earliest period of theorizing about criminological theory. The Classical School of criminology evolved out of ideas from the Enlightenment era in the mid- to late 18th century. This school of thought emphasized free will and rational choices regarding criminal behavior based on the potential outcomes and benefits that could result from such behavior. This section also explored the concepts and propositions of the father of the Classical School, which built the framework on which deterrence theory is based. We also discussed the various reforms that Brecocia proposed, many of which were adopted in the formation of the U.S. Constitution and Bill of Rights. The significance of the Classical School in both theorizing about crime and the actual administration of justice in the United States cannot be overestimated. The Classical and Neoclassical Schools of criminology remain to this day the primary framework within which...
justice is administered, despite the fact that scientific researchers and academics have, for the most part, moved past this perspective to consider social and economic factors.

SECTION SUMMARY

- The dominant theory of criminal behavior for most of the history of human civilization used demonic, supernatural, or other metaphysical explanations of behavior.
- The Age of Enlightenment was important because it brought a new logic and rationality to understanding human behavior, especially regarding the ability of individual human beings to think for themselves. Hobbes and Rousseau were two of the more important Enlightenment philosophers, and both stressed the importance of the social contract.
- Cesare Beccaria, who is generally considered the father of criminal justice, laid out a series of recommendations for reforming the brutal justice systems that existed throughout the world in the 1700s.
- Beccaria is also widely considered the father of the Classical School or deterrence theory; he based virtually all of his theoretical framework on the work of Enlightenment philosophers, especially their emphasis on humans as rational beings who consider perceived risks and benefits before committing criminal behaviors. This is the fundamental assumption of deterrence models of crime reduction.
- Beccaria discussed three key elements that punishments should have to be effective deterents: celerity (swiftness), certainty, and severity.
- Specific deterrence involves sanctioning an individual to deter that particular individual from offending in the future. General deterrence involves sanctioning an individual to deter other potential offenders by making an example out of the individual being punished.
- The Neoclassical School was formed because societies found it nearly impossible to punish offenders equally for a given offense. The significant difference between the Classical and Neoclassical Schools is that the neoclassical model takes aggravating and mitigating circumstances into account when an individual is sentenced.
- Jeremy Bentham helped reinforce and popularize Beccaria’s ideas in the English-speaking world, and he further developed the theory by proposing the hedonic calculus, a formula for calculating criminal behavior.
- Despite falling out of favor among most criminologists in the late 1800s, the classical and neoclassical frameworks still constitute the dominant models and philosophies of all modern Western justice systems.

KEY TERMS

actus rea 47
Age of Enlightenment 41
brutalization effect 50
certainty of punishment 54
deterrence theory 41
general deterrence 55
mens rea 47
Neoclassical School 59
severity of punishment 54
social contract 45
specific deterrence 55
swiftness of punishment 51
utilitarianism 46

WEB RESOURCES

Age of Enlightenment
http://history-world.org/age_of_enlightenment.htm

Cesare Beccaria
http://www.constitution.org/cb/beccaria_bio.htm