

## CHAPTER 2

# Classical and Neoclassical Criminology: Choice and Consequences

### CHAPTER OVERVIEW

This chapter introduces the Classical School of Criminology, which grew out of concepts and ideas developed by Enlightenment thinkers in the eighteenth century. The Enlightenment was a social movement that emphasized reason and rational thought. It conceptualized humans as rational beings possessing freedom of choice and led to the development of the Classical School of criminological thought, viewing crime and deviance as products of the exercise of free will.

Cesare Beccaria, a key Enlightenment philosopher, published his *Essay on Crimes and Punishments* in 1764, setting forth his philosophy of punishment. Beccaria emphasized punishment based on the degree injury caused, felt that the purpose of punishment should be deterrence (rather than retribution), and saw punishment as a tool to an end (crime prevention), rather than an end in itself. He emphasized the need for the trial and punishment to be swift and for punishment, once decreed, to be certain. He also felt that punishment should only be severe enough to outweigh the personal benefits to be derived from crime. He opposed the use of torture and accepted the death penalty only for serious crimes against the state.

Jeremy Bentham, another founder of the Classical School, developed an approach known as utilitarianism or hedonistic calculus. Bentham believed that humans are rational and weigh the consequences of their behavior, considering pleasure versus pain. Therefore, he emphasized that to prevent crime, the pain of punishment must outweigh the pleasure derived from the crime. Like Beccaria, Bentham considered punishment to be a deterrent for those considering criminal activity.

By the start of the 20<sup>th</sup> century, classical criminology was being replaced by positivism, which rejected the notion of free will and emphasized the concept of hard determinism: the belief that crime results from forces beyond the individual's control. However, by the 1970s, studies suggesting the failure of rehabilitation, combined with an increasing fear of crime, led to a resurgence of classical ideals known as neoclassical criminology.

Rational choice theory was developed out of the neoclassical school of criminology and is based on the belief that criminals make a conscious, rational, and at least partially informed choice to commit crime after weighing the costs and benefits of available alternatives. The two main varieties of choice theory are routine activities theory and situational choice theory. Routine activities theory suggests that crime is likely to occur when a motivated offender and suitable target come together in the absence of a capable guardian and focuses on how lifestyle can contribute to potential victimization. Situational choice theory revolves around the need for criminal opportunity and emphasizes the use of situational crime prevention strategies such as defensible space, improved lighting, controlling alcohol sales at sporting events, etc. These theories have been criticized for overemphasizing individual choice, disregarding the role of social factors (poverty, poor home environment, inadequate

socialization, etc.) on crime causation, and assuming that everyone is equally capable of making rational decisions. Their emphasis on situational crime prevention strategies may also result in displacement rather than true prevention.

Both classical and neoclassical thought emphasize punishment. However, the Classical School sees deterrence as the purpose of punishment while the neoclassical view also incorporates retribution: if an individual chooses to violate the law, s/he deserves punishment and must be punished. Just deserts is the sentencing model that refers to the notion that the offender deserves the punishment s/he receives at the hands of the law. Neoclassical thinkers distinguish between specific and general deterrence. For punishment to be an effective deterrent, it must be swift, certain, and severe enough to outweigh the rewards of the crime. However, these requirements are rarely met by the modern criminal justice system, which may explain the extremely high rates of recidivism in the United States.

The death penalty is probably the most controversial punishment. Research suggests it may not be an effective general deterrent and that it is applied inequitably. Many capital cases appear to be seriously flawed, resulting in the conviction of innocent individuals. There is also much concern over the disproportionate imposition of the death penalty on ethnic populations. There are a large number of arguments both for and against the use of capital punishment in the United States.

There are a number of policy implications to come out of the Classical School, including the concepts of determinate sentencing, truth-in-sentencing laws, and incapacitation. Overall, the classical and neoclassical schools are more a philosophy of justice than a theory of crime causation. They do not explain how a choice for or against criminal activity is made nor do they take into account personal motivations. There is no scientific basis for the claims made by the Classical School and many neoclassical thinkers also emphasize philosophical ideals over scientific research.

## **CHAPTER OBJECTIVES**

1. Outline the principles of classical and neoclassical criminology.
2. Outline the history of classical thought.
3. Outline the development of neoclassical criminology.
4. Describe how neoclassicism views punishment as a deterrent of crime.
5. Outline the arguments for and against the death penalty.
6. Explain how the Classical School affects policy.
7. Summarize the evaluations of the classical and neoclassical thoughts.

## **CHAPTER OUTLINE**

### **I. Principles of Classical and Neoclassical Criminology**

- Teaching Note: Discuss how, during the Enlightenment, religion gave way to science as the dominant way of understanding social life. Give students examples that show why rationality is a superior way to approach social life.

- Teaching Note: Point out that a number of social scientific disciplines, including sociology, trace much of their early development to the Enlightenment thinkers.
- Teaching Note: Use Figure 3-1 to discuss the major principles of classical and neoclassical criminology. Explain how assumptions associated with the Classical School of criminology are still a major part of criminological thought today.
- Teaching Note: Point out that classical thinkers said that most crime is the result of rational decision-making. Some criminals, however, appear to act without much thought. Ask students to consider what distinguishes between crimes that involve thought and crimes that do not – is it the type of offender who commits them, or is it the type of crime being committed?
- Teaching Note: Identify each assumption underlying classical theories that is stated in this chapter. Ask students to write down whether they agree or disagree with each assumption, and ask them to tell why in one or two sentences. Return the students' responses at various points throughout the semester, and ask them whether they want to revise any of their original statements.

## II. The Roots of Classical Criminology

### A. Cesare Beccaria (1738-1794): Punishment as Deterrence

- Teaching Note: Ask students to identify what elements Cesare Beccaria considers to be most important for effective punishment.
- Teaching Note: Have students examine the U.S. Constitution and identify specific places where they see the influence of Beccaria's ideas.
- Teaching Note: Explain that although classical thinkers in the field of criminology claimed that rational decision-making plays a big role in crime causation, rationality is different than motivation. Ask students to discuss what classical thinkers likely saw as motivating factors behind criminal behavior.

### B. Jeremy Bentham (1748-1832): The Pain versus Pleasure Balance

- Teaching Note: Break students into groups, and have them discuss Bentham's different types of punishment. Which of these types continue to operate in our current justice system? Why have some of the others become obsolete?
- Teaching Note: Link structures like the Panopticon to evolving ideas about social control. For example, the Panopticon was characterized by enhanced visibility for those in control and by centralized management—all of which were facilitated through the use of technology and architectural design rather than intensive human labor.

## III. Neoclassical Criminology

- Teaching Note: Compare positivism and classical criminology. Explain that positivism can be reconciled with notions of free will if one accepts soft determinism.
- Teaching Note: Discuss the factors that led to the decline of positivism in the 1970s.
- Teaching Note: Explain why Robert Martinson's research had such an impact on criminal justice policy.
- Teaching Note: Explain that classical and neoclassical criminology appear to assume that human actors have free will – they can make choices and impose those choices through their behavior on the world around them. Have students discuss the role that free will plays in crime commission and ask them whether some crimes might result from something other than the exercise of free will.

#### A. Rational Choice Theory

- Teaching Note: Review Figure 2-3 and explain how the different steps lead an individual to choose property crime or conventional behavior. Discuss how this model would change if applied to drug offenders.
- Teaching Note: Use a hypothetical situation to illustrate the five objectives of situational crime prevention that this chapter discusses.
- Teaching Note: Have students explore the campus or their home community and identify locations where situational crime prevention techniques might be employed to increase crime prevention efforts.
- Teaching Note: Explain how rational choice theory moved the focus on what determines criminal behavior from the pleasure/pain balance to a focus on cognition and rationality.
- Teaching Note: Have students identify ways in which situational crime-control techniques could be applied to reduce specific types of crimes (such as shoplifting).

#### B. The Excitement of Crime

- Teaching Note: Criminologists other than Jack Katz have examined the extent to which breaking the rules becomes a source of thrills. Describe other research that describes the extent to which delinquency is fun.
- Teaching Note: Ask students how crime may be rewarding for those who commit it? Have them discuss ways in which rewards might be reduced.

#### C. Situational Crime-Control Policy

- Teaching Note: Discuss the benefits of focusing crime-prevention efforts on places rather than on people.
- Teaching Note: Break students into groups, and ask them to come up with several examples of how crime prevention has become a routine part of everyday life.

- Teaching Note: Give examples of access control and target hardening by focusing on the increased popularity of devices that individuals in our society use to protect their homes and themselves.
- Teaching Note: Ask students what might be some situational factors that precipitate criminal incidents. Suggest they use the websites provided in this chapter for help answering this question.

#### IV. Punishment and Neoclassical Thought

- Teaching Note: Ask students to compare and contrast the general perspectives on punishment held by the classical and neoclassical thinkers and identify similarities and differences between them.

##### A. Just Deserts

- Teaching Note: Explain that the just deserts model is concerned with punishment that is proportional to the offense committed. Ask students how consensus on proportionality is achieved in society.
- Teaching Note: Explore with students why the just deserts approach appears to be such a popular approach to punishment.

##### B. Deterrence

- Teaching Note: Distinguish between specific and general deterrence by focusing on which one has the greater potential to reduce crime.
- Teaching Note: Explain that recidivism can be defined simply as a return to crime, but precise measures of this concept vary across research studies.
- Teaching Note: Use the crime funnel to illustrate the due process safeguards of our criminal justice system and the priority attached to democratic principles.
- Teaching Note: Given that early release may negatively affect deterrence, ask students what effect eliminating the possibility of early release (e.g., parole) might have on corrections.

#### V. The Death Penalty

- Teaching Note: Have students explain and then discuss their perspectives on capital punishment.
- Teaching Note: Discuss with students the due process implications of speeding up the process of carrying out death sentences.
- Teaching Note: Note the fallibility of the criminal justice system by pointing out how a significant number of wrongful convictions have been shown to occur in capital punishment cases. Ask students why they think our society continues to support capital punishment in the wake of these errors.

#### A. Capital Punishment and Ethnicity

- Teaching Note: Review research findings regarding the just application of capital punishment.
- Teaching Note: Divide the class into groups and lead a debate regarding whether there are elements of racism in the imposition of capital punishment today.
- Teaching Note: Explain that the relevance of the *McCleskey v. Kemp* case was that it was based on claims of a systemic effort of racism in the imposition of the death sentence.

#### B. A Flawed System?

### VI. Policy Implications of the Classical School

- Teaching Note: Ask students how the social problems and individual responsibility perspectives would view determinate sentencing and truth-in-sentencing practices.
- Teaching Note: Point out that the work of Marvin Wolfgang involving chronic offenders has had enormous implications for the direction of criminal justice research and policy.
- Teaching Note: Explain how Wolfgang's research demonstrated the benefits of longitudinal research and supported the claim that the propensity for offending is not spread equally across the population of offenders.
- Teaching Note: Discuss the pros and cons of selective vs collective incapacitation. Ask students to consider the financial implications of each strategy.

### VII. A Critique of Classical and Neoclassical Theories

#### A. A Critique of Neoclassical Thought

- Teaching Note: Point out that U.S. prison populations have grown considerably over the past 20 years and many prisons in America are overcrowded. At the same time, crime rates are down significantly. Ask students why they think America's prisons so full and whether it might have anything to do with the influence of neoclassical thinking. Ask students if full prisons equate to lower crime rates.

#### B. A Critique of Rational Choice Theory

- Teaching Note: Ask students to identify situations in which they might be unable to make a rational decision.
- Teaching Note: Explain how situational crime prevention strategies like target hardening can lead to displacement of crime and ask students what the implications of displacement might be for crime-control policy.

## **LIST OF CHANGES/TRANSITION GUIDE**

- A new figure diagrams the steps that are likely to be involved in making a choice to commit a property crime.
- The 2017 rash of Swedish car burnings is discussed within the context of the excitement of crime.
- The crime-prevention strategy now being employed in some jurisdictions—paying known criminals not to commit further crimes—is discussed within the section on the policy implications of the Classical School.

## **ADDITIONAL ASSIGNMENTS AND CLASS ACTIVITIES**

### **Go Beyond the Text**

#### **Topic #1**

Consider discussing the issue of shaming as a form of deterrence, including both stigmatic and reintegrative shaming. Topics to discuss could include:

- The use of stigmatic shaming or degradation throughout U.S. history (e.g., branding, stocks, public punishments)
- The recent revival of stigmatic shaming (e.g., publishing the names of offenders in newspapers, posting them on billboards, televising criminal trials)
- John Braithwaite's concept of reintegrative shaming

#### **Topic #2**

Another option is to discuss various ways in which the Classical School has affected the criminal justice system. Topics for discussion include:

- The reform of criminal codes to eliminate torture, develop more consistent and certain punishments, and reduce the use of capital and corporal punishment
- The increased use of incarceration as a punishment as well as for short-term detention of those awaiting trial, execution, or corporal punishment
- The reform of law enforcement, including the development of the modern full-time police force with the goal of deterring and preventing crime

### **Classroom and Out-of-Class Exercises**

#### **Activity #1**

Place students into groups and assign each group to a public venue (a library, a grocery store, a video store, an office building, etc.). Have each group inspect their assigned location and answer the following questions:

- What situational crime prevention techniques are in use in this location? What types of crime do they attempt to prevent? (For example, metal detectors help prevent the theft of library books.)
- What additional techniques might be employed to reduce crime in this location?

### **Activity #2**

Place students into groups. Have each group read the U.S. Constitution and the Bill of Rights and prepare a short report on how this document was influenced by the principles of the Classical School, including specific examples.

### **Activity #3**

After identifying and discussing the assumptions underlying classical theories that are stated in this chapter, ask students to write down whether they agree or disagree with the assumptions identified, and to explain why in one or two sentences. Return the students' responses at various points throughout the semester, and ask them whether they want to revise any of their original statements.

### **Activity #4**

Break students into groups and ask them to come up with several examples of how crime prevention has become a routine part of everyday life.

### **Activity #5**

Have students relate and then discuss their perspectives on capital punishment

## **SUGGESTED ANSWERS TO END-OF-CHAPTER ASSIGNMENTS**

### **Learning Outcome 1**

1. The Classical School is a criminological perspective developed in the late 1700s and early 1800s. It had its roots in the Enlightenment and held that men and women are rational beings and that crime is the result of the exercise of free will and personal choices based on calculations of perceived costs and benefits.

### **Learning Outcome 2**

1. Bentham's approach has been termed hedonistic calculus or utilitarianism because of its emphasis on the worth any action holds for an individual undertaking it. As



Bentham stated, “By the principle of utility is meant that principle which approves or disapproves of every action whatsoever, according to the tendency which it appears to have to augment or diminish the happiness of the party whose interest is in question; or, what is the same thing . . . to promote or to oppose that happiness.” In other words, Bentham believed that individuals could weigh, at least intuitively, the consequences of their behavior before acting, thus maximizing pleasure and minimizing pain. The value of any pleasure (or the tendency to avoid pain), according to Bentham, could be calculated by its intensity, duration, certainty, and immediacy (or remoteness in time). Bentham claimed that the principles surrounding his pleasure–pain perspective were not new.

Bentham advocated neither extreme nor cruel punishment—only punishment sufficiently distasteful to the offender so that the discomfort experienced would outweigh the benefits gained from committing crimes. Generally, Bentham argued, the more serious the offense, the more reward it holds for its perpetrator, and therefore the more weighty the resulting punishment. “Pain and pleasure,” said Bentham, “are the instruments the legislator has to work with” in controlling antisocial and criminal behavior.

2. Beccaria said that the purpose of punishment should be deterrence rather than retribution because he believed that punishment should be imposed to prevent offenders from committing additional crimes. Beccaria saw punishment as a tool to an end, not an end in itself, and crime prevention was more important to him than revenge. Beccaria felt that punishment should be only severe enough to outweigh the personal benefits derived from committing crimes. Any additional punishment, he argued, would be superfluous.

### **Learning Outcome 3**

1. The Classical School emphasized rationality and held that crime was the result of the exercise of free will and personal choices based on calculations of perceived costs and benefits. Neoclassical criminology focused on the importance of character, as a kind of middle ground between total free will and hard determinism, as well as the dynamics of character development and the rational choices that people make as they are faced with opportunities for crime.
2. Situational crime prevention focuses on the context in which crime occurs, rather than on the people who commit crime. The approach attempts to develop a greater understanding of crime and more effective strategies of crime prevention by focusing on the physical, organizational, and social environments that make crime possible. Offenders are seen as one part of a broader crime-prevention equation centered on the context of crime. The approach to crime prevention is shifted from one concerned primarily with why people commit crime to one that asks why crime occurs in specific settings. It moves the context of crime into central focus and sees the offender as one of several factors that affect it. Essentially, it sees crime as not only a matter of

motivation but also opportunity and emphasizes a crime prevention approach that reduces opportunities for crime in specifically identified situations. The five main objectives of situational crime prevention are:

1. Increase the effort involved in committing a crime
2. Increase the risks associated with crime commission
3. Reduce the rewards of crime
4. Reduce the provocations that lead to criminal activity
5. Remove the excuses that facilitate crime commission

Strategies can include target hardening or access control. Some strategies suggested include “cheque guarantee cards, the control of alcohol sales at football matches, supervision of children’s play on public housing estates, vandal resistant materials and designs, ‘defensible space’ architecture, improved lighting, closed-circuit television surveillance.”

#### **Learning Outcome 4**

1. The old adages “He got what was coming to him” and “She got her due” summarize the thinking behind the just deserts model of criminal sentencing. Just deserts, a concept inherent in the justice model, means that criminal offenders deserve the punishment they receive at the hands of the law, and that any punishment imposed should be appropriate to the type and severity of crime committed.
2. Specific deterrence is a goal of criminal sentencing that seeks to prevent a particular offender from repeating criminality. General deterrence, in contrast, works by way of example and seeks to prevent others from committing crimes similar to the one for which a particular offender is being sentenced. The Classical School is more concerned with general deterrence. If you can deter someone in society from committing a crime, there is no need for punishment.

#### **Learning Outcome 5**

1. Advocates of capital punishment claim that death is deserved by those who commit especially heinous acts. Some argue that people deserve to die as retribution for their crime. These arguments have evolved from a natural law perspective, are sometimes supported on religious grounds, and are often based on the notion of just deserts.
2. Opponents of capital punishment make the following claims:
  - Capital punishment does not deter crime.
  - The death penalty has, at times, been imposed on innocent people, with no workable system currently in place to prevent the accidental execution of innocents.

- Human life is sacred, even the life of a murderer.
- State-imposed death lowers society to the same moral (or amoral) level as the murderer.
- The death penalty has been haphazardly imposed in seemingly random fashion.
- The death penalty is imposed disproportionately on minority offenders.
- Capital punishment goes against most fundamental precepts of organized religion.
- The death penalty is more expensive than imprisonment.
- Internationally, capital punishment is widely viewed as inhumane and barbaric.
- A viable alternative exists in life imprisonment without the possibility of parole.

### **Learning Outcome 6**

1. Determinate sentencing is a strategy that mandates a specified and fixed amount of time to be served for every offense category. Under determinate sentencing schemes, judges may be required to impose seven-year sentences on armed robbers, but only one-year sentences on strong-armed robbers (who use no weapon). Determinate sentencing schemes build upon the twin notions of classical thought that (1) the pleasure of a given crime can be somewhat accurately assessed and (2) a fixed amount of punishment necessary for deterrence can be calculated and specified.
2. Truth in sentencing requires judges to assess and publish the actual time an offender will serve once sentenced to prison. Many recently enacted truth-in-sentencing laws require that offenders serve a large portion of their sentence (often 80%) before their release.  
Truth-in-sentencing may serve as a deterrent as society sees that offenders must serve a large portion of their sentence before being released.

### **Learning Outcome 7**

1. Critics charge that classical thought doesn't fully explain criminal motivation. Other than claims that crime is the result of free will, the personal attractions of crime, and individual choice, the perspective has little to say about crime causation. Why, for example, do some people choose to commit crime, while others in similar situations decide against crime commission? Critics point out that classical theory is largely missing meaningful explanations as to how a choice for or against criminal activity is made. Similarly, classical theory lacks any appreciation for the deeper sources of personal motivation. This includes those motivating factors represented by aspects of human biology, psychology, and the social environment.

A criticism of neoclassical perspectives on crime can be offered: Although neoclassical writers are sometimes credited for advancing the scientific approach to crime prevention through studies that appear to have identified effective forms of deterrence, many such thinkers defend their perspective by referring to purely philosophical ideals such as just deserts. In this respect, they have made little progress beyond the armchair theorizing and philosophical banter of classical perspectives.