

Neo-classical theories

Law



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Neo-classical theories According to (Jacobs, , deterrence is the use of a punitive action as a threat to demotivate individuals from committing a crime. For the action of deterrence to be effective, the punishment must be heavier than the reward of a successful criminal act thus a criminal would be likely demotivated through a prospect of unsuccessful crime. In the rule of deterrence, specific actions are taken against specific offenders thus an offender would know the implication of the action even before being presented to the court of justice.

According to the social control theory, deterrence can be implemented through an exploitation of social learning and socialization. Direct application of the social control theory would involve the prescription of a punishment as a threat to wrongful social behavior. Offenders like the drunk drivers would be most likely deterred from offending through application of a cover legal implication in the commitment of a crime. In the application of the social theory as a deterrence of drunk drivers, a severe punishment like a five-year imprisonment, without bailing on bond, would be demotivating towards drunk driving (Chui, 2003).

Social theory of deterrence equally closely borrows from rational choice theory as a means of deterring a drunk driver from committing an offence. Human beings are rational individuals who can be motivated or demotivated by a punishment, therefore a formal arrest and imprisonment would send a message to those being punished and the potential offenders that the implication for action is constant. Social theory, in deterring an offender from committing an offence, stipulates that the punishment mode and procedure should be uniform and applicable to everyone who commits the offence that is being deterred (O'Malley, 2008).

References

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