

Cesare beccaria a delinquency theorist research paper sample

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Social theories are ideas generated by scholars in attempting to explain the social structures of the society. These theories touch on issues such as religion, crime, education, politics, philosophy and many other aspects of the society. Each theorist has held divergent views on different issues and such scholarly debate is always constructive. Criminology and theories under the divergent delinquent acts and have been explored by several theorists. Theorists such as Ernest Burgess, Robert Park and Cesare Beccaria have expressed their theories in their works. This paper evaluates the life and works of Cesare Beccaria especially his theories on crimes and delinquent character.

Cesare, Marquis of Beccaria-Bonesana is one of the founding fathers of social theories defining the causes and existence of crime. An Italian politician, jurist and philosopher, Beccaria was born in 1738 and lived much of life in Italy. He was a law graduate at the University of Pavia but also enjoyed Mathematics and Economics (Chisholm and Hugh, 225). Beccaria held several principles in his life. One such principle that he held was that punishment without absolute cause was tyrannical. In his assertion,

punishment that seeks to do harm to the subject is moribund to the character of the individual. He also held principles regarding the proportion of crime and punishments. In expressing these issues, Beccaria wrote his book the ' Of Crime and Punishment' in 1764.

Works and theories

Beccaria is best known for his works ' Of Crimes and Punishment' in which he expresses his views on crime and how to adequately punish offenders. In his arguments, punishment was only supposed to be used to reform offenders but not inflict suffering. Inflicting suffering on offenders was only worsening the character of the individual.

In this book, Beccaria asserts that every society has a tendency to bestow others with supremacy and power and the others are condemned to misery and weakness. In this sense, a society will socially stratify itself and therefore to ensure tranquility in the society, laws have to be developed to infuse universality and equality in the state (Hostettler, 24). It is only within the context of laid down law do men find natural sense of unison. Peace and enjoyment abounds in situation that a society finds good and common ground for coexistence.

However, when such peace and enjoyment is deprived by wars and other social unrest, then a society would offer part of itself for sake of peace and harmony. Creating a harmonious state would always be faced by resistances from individuals who only seek to encroach on others without good course.

Beccaria asserts that a society must find a means of restoring such unwarranted character in persons (Maris, 8). Such efforts to instill good

character in unruly behavior include punishments.

In this sense, Beccaria develops the rational choice theory. In this theory Beccaria emphasizes that punishment if certain, proportionate and swift would ultimately deter crime and delinquent character. In his argument delinquent character flourishes especially due to social disregard from the seniors in the society. Delinquent character would be the genesis of all crimes in any society. However, under the rational theory, Beccaria suggests that proportionate punishment for crime would deter delinquent character in the society. Beccaria is more concerned about the proportionality of the punishment to the crime rather than severity.

Rational penology is the preset with which Beccaria asserts his concerns about proportionate punishment. According to Beccaria, punishment that does not arise from absolute necessity is tyrannical. To ensure that punishment falls within the accepted context in the society then such punishment must be enshrined in the law of the land (Beccaria, 4). Laws developed by a legislature constituted by representatives of the society can provide guidance as to how punishments can be executed. For this reason no magistrate has the right to prescribe punishments that is not within the law. Beccaria discusses further on his issues such as torture and pecuniary punishments. According to Beccaria, torture is a cruelty employed by many nations in an attempt to make suspect either confess to crime or explain some contradiction in witnesses (Beccaria, 8). Beccaria directs that no man has the right to find another guilty of an offense unless proven so by a duly designated justice system. Moreover, Beccaria states that some torture is not meant to find guilt rather to instill fear and intimidation to a social class.

Political rulers tend to apply torture to instill leadership will have totalitarian rule. However, Beccaria argues that guilt confessions and leadership resulting from torture commonly leads to a degradation of harmonious coexistence in a society (Beccaria. 7).

In terms of delinquent character such deviation from norms of the society may be inherent individuals but argues that it is not necessary. Beccaria asserts that every individual is bound to the society and the society bound to the individual. This social contract descends from the highest and affluent in the society to the lowest of mankind. Understanding such a social obligation should be instilled on every individual to try and stem social misconduct. Certainty of punishments rather than its severity is important according to Beccaria. This will provide members of a society an appreciation that an unacceptable deed will not go unpunished.

However, for such punishment to be most effective, Beccaria is adamant that such punishment should be executed immediately after crime is perpetrated. It is just and useful to pass punishment immediately as it also spares a criminal the torment of waiting with uncertainty. Passing crime immediately ensures that association of the crime and the deed is maintained and that the suspects understand why the punishment.

At the end of his book, Beccaria provides insights on possible ways of preventing crime and delinquent character. In his arguments, Beccaria asserts that preventing crime is better than punishing the deed and that legislation should provide such a means preventing the crime (Hostettler, 54). Beccaria however argues that legislation and regularity is not sufficient to reduce the tumultuous activity inherent in all mankind. Preventing crime

is more than mere legislation. Rewarding good conduct would instill a tradition based on virtues. Finally, Beccaria asserts that the best method of preventing crime is through perfecting the education system. Useful education provides a people with higher targets and aspiration beyond common nature. Additionally, a proper education system is a sure process of interesting juveniles beyond simple delinquent character.

Supporting Beccaria's Principles

In this essay, I seek to support the ideals proposed by Beccaria. First it is quite agreeable with Beccaria that death penalty is one of the most inhuman forms of punishment and should be dealt away with in its entirety. This due to the fact that every life is sacred and every society has the moral obligation to preserve life. Additionally, it is satisfying to agree with the assertion that capital punishment is not useful to any society as it does give the offender the chance to mend broken relation with the aggrieved person. Condemnation is not a positive punitive measure and should be discouraged.

Secondly, Beccaria's argument that punishment should have a preventive and not a retributive function is acceptable. This is so because punishment is meant to restore a peaceful and harmonious existence in a society. Finding a means of preventing crime is perhaps the most important aspect that any sovereign state could seek. Thus legislating punitive measure with a deterrent function is very important.

I also agree with proportionate punishment for crime as suggested by Beccaria. Having a system that prescribes punishment in proportion to the

crime is vital for stemming delinquency. This is due to the fact that potential perpetrators of crimes have the options of evaluating the punishment of crime and arriving at the conclusion that the punishments passed was just for the wrong doing. Additionally, excess punishments will only do more in aggravated the poor believe in the system. This will exacerbate a lawless situation due to inhuman treatment of offenders.

Additionally, I also agree with Beccaria explanation of the importance of certainty of punishment. Delinquency is a character that can be stemmed by simply ensuring the every wrong deed is punished. However, it is the certainty of the punishment and not the severity that would compel criminals to desist from vile acts. Severe punishment does not only paint the social fabric in bad taste but it equally enrages a portion of the community. In this regard, the justice system of a sovereign state should concentrate more on the promptness of the punishment.

I further concur with Beccaria's assertion that the justice system of a society should be public. In this sense, the laws that govern a population should be formulated by a legislative assembly with powers from a constituent. Such a legislature should define what an act amounts to delinquency and at the same time prescribe the severity of the punishment. A separate facet of the system composed of magistrates should be given the mandate to find guilt in the acts of suspects. The said system should also be devoid of issues such as torture.

Finally, I concur with Beccaria's direction on how to prevent crime. The first step that Beccaria suggest is the use of a proper legislative system that create a mechanism in which acts of delinquency is brought to book. A

structured means of dealing with vile character in a society sensitizes the potential criminals and deters the action. Moreover, educating a society will provide a means by which the enlightened people in the society educate other members of the importance of good social coherence. Pardoning behaved criminals and rewarding good character is also an additional method in passing the values of society to its members.

Conclusion

In conclusion, Beccaria is social theorist who was mainly concerned with acts of delinquency. In his argument is important to have a punitive system that defines the extent of punishment vis-à-vis crime perpetrated. Ensuring that vile character is punished is significant for a peaceful co-existence within a society. However, it is important to find balance between crime and punishment.

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