

# [Classical theory of crime](https://assignbuster.com/classical-theory-of-crime/)

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The theory uses this notion to assert that criminal acts with painful results are avoided and those with pleasurable results attract criminals. This is the idea that the theory uses to explain how society punishes and deters crime.
Cesare Beccaria (1738 - 1794)
He is considered the founder of the classical school of criminology
According to him, crime punishment should be:
Certain, swift and sure
Not exceed the levels necessary to deter
Beccaria is credited with campaigning against the use of torture to obtain confessions
Most Western legal principles are based on Beccaria’s ideas on crime (Vito & Maahs, 2012)
Jeremy Bentham (1748 - 1832)
Incorporated the idea of utilitarian punishment into classical theory
The idea advocated for punishment that results in the good of many and less evil
He was instrumental in the invention of Panopticon circular prison with a tower that helps observe cells (Einstadter & Henry, 2006)
Assumptions of the Classical Theory
Many assumptions underpin the perception of crime using this theory.
Human beings act based on free will and rational choice
Human behavior is largely determined by consideration of the pain and pleasure involved
Punishment is evil but it helps discourage and deter crime
The principles of right and wrong are inherently embedded in human rights and cannot be denied (Samaha, 2006)
The society bears the function of benefitting individuals collectively and not in isolation
Crime sabotages the bond that holds people together in a society and is therefore immoral (Gottfredson & Hirschi, 2004)
Critiques of Classical Theory
The theory is unjust in its advocacy for equality of punishment regardless of the criminal
It treats the mentally ill and minors same with other criminals
It is not fair for first-time offenders to receive the same treatment as repeat offenders
The theory disregards circumstances unique to individual offenders
The classical theory does not grant judicial discretion
It is difficult to measure pleasure and pain and as such, the theory is not empirical
The theory disregards the environmental and psychological circumstances that help mitigate crime
It is more concerned with causation than with policies (Bohm, 2010)