

Classical theory of crime

Sociology



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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)

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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)