

KRM 310 (A): CRIMINOLOGY THEORY

UNIT 2: CLASSICAL PERSPECTIVES

The contributions of Cesare Beccaria (10 Marks)

Beccaria suggested that individuals have a "social contract" with society, in which he/she is bound to society by consent and vice versa. A key concept of this social contract is free will (one's ability to exercise choice). He believed that human beings are rational beings who seek pleasure and try desperately to avoid pain.

Beccaria identified 3 types of crimes that warranted punishment:

1. **Crimes threatening security of the state**
2. **Crimes that injure citizens or property**
3. **Crimes that run contrary to the social order**

Beccaria:

- Called for equal justice under the law, stressing that punishment for an offense should be the same regardless of a person's position in society.
- Called for the abolition of torture to elicit confessions.
- Was against the death penalty
- Emphasized that the punishment should fit the crime
- Was the first to stress that punishment should not be for retribution but for the purpose of deterrence.

The contributions of Jeremy Bentham (5 Marks)

Bentham¹ argued that people choose pleasure and avoid pain

- Thus, punishment for criminal behaviour should be sufficient to negate any pleasure derived from criminal acts. If society could impose more pain upon the individual than he/she would gain from commission of the criminal act, that person would be deterred from committing further crimes. This weighing of pain and pleasure came to be known as: **HEDONISTIC CALCULUS**.

Bentham argued that in order for hedonistic calculus to work, punishment should be severe enough to offset the benefits of the crime, but it should not be excessive. For the punishment to dissuade the offender, it had to be SWIFT and CERTAIN:

- **Swift:** punishment must take place within a reasonable period of time so that the reason for punishment was not forgotten by the offender or observers.
- **Certain:** the potential for being caught and punished has to be reasonably high, or regardless of the severity of the sanction, there would be no deterrent effect.

TENETS OF THE CLASSICAL SCHOOL (5 Marks)

¹ Bentham was an advocate of Utilitarianism – the social ideology that in their laws and actions, governing bodies should seek to achieve the most utility/good for the greatest number of people.