**SOC 3290 Deviance**

  **Overheads Lecture 5: The Classical Perspective**

\* Differing views on punishment/deterrence reflect the *classical*

*perspective*:

 -deviance=rationally calculated choice

 -cost-benefit analysis: maximize pleasure/minimize pain

 **(1) Theoretical Images:**

\* Radical departure from Demonic perspective

\* First appears in work of Cesare Beccaria and Jeremy Bentham (1700's)

\* Context of these emerging ideas:

 -Population changes (size, density, heterogeneity)

 -Economic changes (increasing individualization)

 -Political changes: the Nation state (feudal breakdown)

 -Religious changes: (Reformation & the “Protestant Ethic”)

 -Intellectual influences: Scholasticism & the Enlightenment

 **Cesare Beccaria & Jeremy Bentham**

\* Beccaria wrote Essay on Crimes and Punishments (1764)

\* Appealed to both conservatives/radicals:

 -both wanted centralized state

 -both opposed to archaic, harsh demonic social control

\* Beccaria’s 6 principles:

(1) The necessity of rational punishment for preserving social contract

(2) Legislative determination of law; Judicial determination of guilt

(3) The hedonistic psychology of deviance (pleasure vs. pain)

(4) Social control as rationally calculated punishment

(5) Deterrence as the object of social control

(6) Control of acts, not actors

\* Jeremy Bentham (1789):

 - laid out parallel scheme for rational legal reform in UK

 - formulated “mathematics of rational punishment”

 - common good=greatest pleasure for greatest number

 **(2) Identifying Classical Deviance:**

\* Little interest in the study of deviant behavior/actors

\* Deviance results from inadequate/irrational laws/social controls

\* Legislative determination of deviance: Beccaria (silent);

 Bentham (utilitarian calculus +“demonstrable social harm”)

  **(3) Classical Social Control:**

\* Three changes resulted: (1) French Penal Code (1791)

 (2) Neoclassicalmodifications

 (3) Centralized control in state institutions

\* French Penal Code:

 - followed Beccaria’s ideas (legislated punishments/no discretion)

 - legalistic but administratively simple

 - criticized as unfair (e.g. extenuating circumstances)

\* Neoclassical modifications:

 -Initial limited return of discretion to judges (1810)

 -Later incorporation of: (1) Premeditation

 (2) Extenuating circumstances

 (3) Insanity defense

\* Centralized control/state institutions:

 - Idea was that imprisonment would rationally “correct” behavior

 - Theorists’ array of penalties largely gave way to imprisonment

 - Bentham’s “Panopticon”

 - Surveillance/manipulation fit capitalist system/state

 - Contained seeds of later “pathological” perspective

 **(4) The Classical Perspective Today:**

\* While seemingly outdated, classical theorizing reviving

\* Marvin Wolfgang’s work:

 -most offenders stop after 1-2 offences regardless/treat leniently

 -concentrate deterrence/resources on few who continue

 -“three strikes” model

 - appeals to liberals/conservatives in different ways

\* Less faith in rehabilitation/new interest in nondiscretionary punishments

\* James Wilson: “New Realism”

 -no use in searching for causes of crime

 -swift/certain punishments for non-trial offenses: little discretion

 -conservative: little attention to corporate/white-collar crime

\* Liberal reformers oppose “net widening”/open-ended indeterminateness of parole/indignities of involuntary treatment

\* Reality therapy: causation=excuses; favours owning up to choices

 **(5) Assessment of the Classical Perspective:**

\* Key question: does rational punishment deter deviance?

\* Specific deterrence:

 - Available data imperfect/methodological problems

 - These studies contradict notion of specific deterrence

 - Evidence suggests punishment increases later deviance

 - Explanations: socialization and stigmatization

 - More research needed

\* General deterrence:

 - More mixed results

 - Certainty more important than severity

 - “Tipping effect” vs. “overload hypothesis”

 - More research needed

\* Offender’s subjective perceptions of punishment:

 - perceptions of punishment serve as deterrent

 - relationship mediated/explained away by perceived

 level of social condemnation

\* Ultimately, deterrence must be viewed tentatively because:

 -real world conditions of punishment aren’t swift, sure and severe

 -lack of public awareness re: punishments for common crimes

 -differential effects of punishment on different types of people

 -differential effects of punishment in different social contexts

 **Realizing Rational Justice: Another Problem:**

\* Classical model good in that:

 -free will a useful corrective to determinative theories

 -its attack on the inequalities/injustices following from discretion

\* Dangerous because:

 -in practice reinforces structural social inequalities

 -doesn’t deal with structured limits on freedom to choose

\* Parallels with Sadism:

 -reducing social contradictions of deviance to individual choice

 -advocating swift, certain, calculated punishment

\* Without equalizing social/material conditions, classical theory:

 -favours privileged rationality of rich, powerful and advantaged

 -denies/classifies as deviant the rationality of the rest