Instructor’s Manual
with Test Bank

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Criminology: A Brief Introduction

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Prentice Hall

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Introduction

This supplement to *Criminology: A Brief Introduction* contains instructor support materials and test questions (with answer key) to accompany each chapter of the main text. Each chapter of the Instructor's Manual contains a Supplement Correlation chart, chapter outline, chapter overview, lesson outline interspersed with thematic questions for class discussion, Go Beyond the Text lecture ideas, proposed responses to the Focusing Questions that appear at the beginning of each chapter in the main text, and Classroom and Out-of-Class Exercises.

The Supplement Correlation charts are designed to serve as helpful guides to other resources offered with the text, namely the PowerPoint presentations and the MyCrimeKit Web site (www.mycrimekit.com). The charts show exactly which PowerPoint slides, MyCrimeKit media pieces, and MyCrimeKit Web Extras and Library Extras support each of the chapter's focusing questions (which are also chapter objectives) and main headings/topics. The relevant page numbers for each heading in the text are also included for your convenience.

The test bank is located at the end of this supplement and includes multiple choice, true/false, and fill-in-the-blank questions relating to each chapter of the main text.
CHAPTER 1

What Is Criminology?
Understanding Crime and Criminals

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CHAPTER OUTLINE

A Fascination with Crime and Criminals
What Is Crime?

Crime and Deviance
What Should Be Criminal?
What Do Criminologists Do?
What Is Criminology?

Theoretical Criminology
The Social Context of Crime

Criminology's Interdisciplinary Nature
Criminology and Social Policy

Social Policy and Public Crime Concerns

CHAPTER OVERVIEW

Chapter 1 provides an introduction to the textbook and to the field of criminology. It begins by discussing society's fascination with crime, particularly violent crime. The definition of crime used in the text is from the legalist perspective, which sees crime as "human conduct in violation of the criminal laws of a state, the federal government, or a local jurisdiction that has the power to make such laws." This approach recognizes that laws are social products and assumes that powerful individuals who are in a position to politically influence lawmaking strategies can impose their preferred definitions of criminal behavior on lawbreakers.

While many crimes are forms of deviant behavior—human activity that violates social norms—not all crimes are deviant and not all deviant behavior is criminal. There is also a significant difference between what is criminal and what should be criminal. The consensus perspective holds that a law should be developed to criminalize a certain behavior when the members of a society generally agree that such a law is necessary. However, in a multicultural society, consensus may be difficult to achieve. The diversity of society is recognized in the pluralistic perspective, which suggests that behaviors are typically criminalized through a political process after debate over the appropriate course of action.

This chapter also discusses what a criminologist is, and considers the differences between a criminologist, a criminalist, and a criminal justice professional. Various professional opportunities for individuals with degrees in criminology are explored. The field of criminology itself is also discussed in detail, with various definitions considered. While criminology is primarily a social science, it is interdisciplinary. It contributes to, and overlaps, the field of criminal justice. One subfield is theoretical criminology, which posits explanations for criminal behavior. General and integrated theories of crime are compared.

Crime does not occur in a vacuum; every crime has a unique set of causes, consequences, and participants. Crime is seen as a social construction rather than as an isolated individual activity. A given crime may have many causes and may also carry with it many different kinds of meanings. Therefore, criminologists apply the concept of social relativity—the fact that social events are interpreted differently by different individuals or groups—to the study of crime.

This text acknowledges the primacy of sociology: the belief that many criminologists operate from a sociological perspective. However, sociology appears reluctant to accept the significance of findings from research in other fields and is often unable to integrate these findings into existing sociological understandings of crime. Despite this, new perspectives are emerging and need to be recognized.

The development of social policies based on research findings may be of broader importance to society than theory testing. For example, despite widespread concern among professional groups about the effect of the media on teenage violence, policymakers have been reluctant to curtail the production of violent media. Essentially, there is a conflict between crime reduction policies and the profit motives of media vendors. Concern over crime is one of the key issues in the country, making it an important determinant of public policy.
Lesson Outline

I. A Fascination with Crime and Criminals
   A. People are simultaneously attracted to and repulsed by crime.
      1. Discuss the popularity of prime-time television crime shows, such as the CSI franchise and Law and Order.
      2. American TV viewers desire crime-related entertainment and are fascinated by criminal motivation and detective work.
   B. People are fascinated by the seeming inexplicability of crime, particularly violent crime.

Thematic Question: Why is there so much public interest (as evidenced by all the “crime” shows on TV) in crime and justice?

II. What Is Crime?
   A. Define crime
      1. Crime is defined as “human conduct that violates the criminal laws of a state, the federal government, or a local jurisdiction that has the power to make and enforce the laws.”
      2. Emphasize that under this definition, if there is no law defining a form of behavior as a crime, then there is no crime, regardless of how deviant or socially repugnant the behavior may be.
      3. This is the legalistic perspective—it recognizes that laws are social products.
      4. Crime covers a limited number of wrongs. Explain that because crime is concerned with the social control of wrongs, crime is fundamentally an issue of morality.
   B. The process by which a behavior is criminalized, or made illegal, is known as criminalization.

Thematic Question: Unless defined by law, there can be no crime; however, can there be harm?

C. Crime and deviance
   1. Deviant behavior is defined as “human activity that violates social norms.”
      a. Some behaviors that are not condemned as crimes by statute are still regarded as “bad behavior.”
      b. Deviance is a broad area whose boundaries encompass much crime and extend beyond crime.
   2. Discuss the relationship between crime and deviance.
      a. Deviance and crime overlap but are not identical.
         (1) Not all deviant behavior is criminal.
         (2) Not all criminal behavior is deviant.
      b. Discuss examples of deviant but noncriminal behavior (for example, unusual dress styles).
      c. Discuss examples of criminal but common (and often socially acceptable) behavior (for example, speeding).
   3. Deviance is defined relative to the norms and values of a particular group and society.
      a. Explain that what is considered deviant for one group may not be so for another group.
      b. Select a group (for example, the Amish, motorcycle gangs, college students) and discuss how its behavior may be considered deviant by comparison with another group.
Thematic Question: Why is it easier for members of our society to reach a consensus as to right and wrong on certain behaviors than on others?

III. What Should Be Criminal?
   A. There are distinct differences between the questions “What is crime?” and “What should be criminal?”
   B. Two contrasting perspectives are used to answer the question “What should be criminal?”
      1. The consensus perspective emphasizes agreement among members of society as to what behaviors should be considered criminal and suggests that laws should be made to criminalize behaviors when members of society agree that the laws are necessary.
      2. The pluralistic perspective suggests that societies are diverse and behaviors become criminalized through a political process involving considerable debate as to the appropriate course of action.
   C. Discuss the issue of gun control in the wake of the 2007 shootings at Virginia Tech University.

IV. What Do Criminologists Do?
   A. Criminologists versus others in the criminal justice system
      1. A criminologist is defined as “one who studies crime, criminals, and criminal behavior.”
      2. A criminalist is “a specialist in the collection and examination of the physical evidence of crime.”
      3. Criminal justice professionals include police and correctional officers, probation and parole officers, judges, defense attorneys and prosecutors, and others who do the day-to-day work of the criminal justice system.
   B. Characteristics of academic and research criminologists
      1. They generally have a Ph.D. in criminology, criminal justice, or a related field from an accredited university.
      2. They generally teach in universities and in two- and four-year colleges.
      3. They generally conduct research designed to advance criminological knowledge.
      4. They generally write for publication in journals published in the United States and abroad.
   C. Other options for people with degrees in criminology and/or criminal justice include work in police agencies, probation and parole agencies, court-support activities, correctional work, government agencies, private security, civil organizations, and so on.
   D. Instructors may wish to share with the class how they first became interested in criminology, as well as sharing their current research and/or writing activities.
   E. Consider asking students about their possible interest in a career in criminology and why they might want to pursue this occupation.

V. What Is Criminology?
   A. Discuss the definition of criminology.
      1. Review the wide variety of definitions presented in the text, particularly that offered by Edwin Sutherland.
      2. The text defines criminology as “an interdisciplinary profession built on the scientific study of crime and criminal behavior, including their manifestations, causes, legal aspects, and control.”
3. Criminology also contributes to the discipline of criminal justice, which focuses on the application of the criminal law and the study of the components of the justice system, especially the police, courts, and corrections.

4. Essentially, criminology focuses on the causes of criminality, whereas criminal justice focuses on the control of crime.

B. Theoretical criminology

1. Theoretical criminology is a subfield of criminology that attempts to develop explanations for criminal behavior.

2. Criminologists have developed many theories to explain and understand crime.
   a. A theory is made up of clearly stated propositions that posit relationships, often of a causal nature, between events and things under study.
   b. A general theory is one that attempts to explain all or most types of criminal behavior through one basic overarching approach.
   c. Unicausal theories suggest only once source for all serious deviant and criminal behavior.
   d. Integrated theories do not attempt to explain all criminality but attempt to merge concepts drawn from different sources.

3. Point out that the text states that the word theory “will only loosely apply to many of the theories that we will discuss.” Consider asking the class why theories are useful if this is the case.

Thematic Question: What is a general theory of crime? Why do we say it is “general”?

Thematic Question: What is an integrated theory? Why do we say that such a theory is “integrated”?

VI. The Social Context of Crime

A. Crime does not occur in a vacuum—it is a social event rather than an isolated individual activity.

1. Every crime has a unique set of causes, consequences, and participants.
   a. Crime can impact those who are not direct participants in the act.
   b. In general, crime provokes reactions from those it victimizes.
   c. These reactions may contribute to the creation of new social policy.

2. Crime is fundamentally a social construction and has different meanings for different people.
   a. Crime means different things to the offender, the victim, agents of the criminal justice system, and social interest groups.
   b. Criminologists apply the concept of social relativity to the study of crime, focusing on how social events are interpreted differently according to the cultural experiences and personal interests of the initiator, observer, or recipient.

B. Criminology’s interdisciplinary nature

1. Criminology is mainly a social science but is an interdisciplinary field, drawing on other disciplines such as anthropology, biology, sociology, political science, psychology, psychiatry, economics, ethology, medicine, law, philosophy, and ethics.

2. Many contemporary criminologists operate primarily from a sociological perspective.

3. Other new perspectives are emerging, such as the role of biology in explaining criminal tendencies.
VII. Criminology and Social Policy

A. Social policy based on research findings may have broader importance than criminological theorizing.
   1. Some policy implications are agreed upon by most scholars but other policy innovations may be too difficult to implement.
   2. Discuss the attitudes of policymakers towards the apparent link between media violence and violent behavior in juveniles.
   3. Social policy needs to be linked to the objective findings of well-conducted criminological research.

B. Social policy and public crime concerns
   1. Crime, terrorism, and national security are major concerns in the United States today, despite the fact that crime rates have been declining steadily since the mid-1990s.
   2. Concern about crime is not necessarily related to the actual incidence of crime.
   3. A recent Gallup poll found 67% of respondents believed crime in the United States is more prevalent today than a year ago, and 49% rated the crime problem as “extremely serious” or “very serious.”
   4. Concern about crime is an important factor in determining public policy; therefore, political agendas focusing on reducing crime or changing criminogenic conditions tend to be very successful.
   5. As a result, crime and crime control have become increasingly politicized.

Thematic Question: Why does crime remain a concern among the public despite declining crime rates? Is it right to be concerned?

Go Beyond the Text

Topic 1

One possible topic for discussion during this chapter is the impact of the mass media on crime. The mass media includes not only television news but also television reality programs, nonreality-based television programs, movies, radio news, and newspapers. This lecture segment could include:

• What are the typical images of crime that are presented by the mass media (a focus on unusual circumstances or elements)?
• How are these images and information influenced or even distorted by the needs of the media?
• What types of crime are most commonly featured by the media (a focus on violent crime)?
• How “real” are reality-based TV shows (Cops, America’s Most Wanted, etc.)?
• Do the large number of crime-related shows and information presented by the media leave viewers with a mistaken impression concerning the true amount and seriousness of crime in society?
• Are certain types of media more likely to sensationalize crime than other types?
• In what ways might the media improve its coverage of crime?

Topic 2

Another lecture topic could involve discussing the various fields or areas within the discipline of criminology, in addition to theoretical criminology. These might include:

• Penology
• Victimology
• The sociology of law
• Criminal statistics
• Criminal behavior systems

Focusing Questions

1. What is crime and what is deviance?
Crime is defined as “human conduct in violation of the criminal laws of a state, the federal government, or a local jurisdiction that has the power to make such laws.” If there is no law proscribing a behavior, there is no crime, regardless of how deviant or socially repugnant the behavior may be. Deviance is defined as “human activity that violates social norms.”

While the two concepts overlap, they are not identical. Some forms of deviance are not violations of the criminal law, while some crimes are not considered deviant behaviors. Deviance is a broad area whose boundaries include many (but not all) types of crime as well as many noncriminal behaviors.

2. How does the consensus perspective differ from the pluralist perspective?

The consensus perspective holds that laws should be enacted to criminalize certain behaviors when members of society agree that such laws are necessary. This perspective is best applied to homogeneous societies that have shared norms, values, and belief systems. The United States is a very multicultural and diverse society, and it is extremely difficult to achieve a shared consensus on what should be considered a crime.

The pluralist perspective, on the other hand, recognizes the importance of diversity in society and holds that behaviors are criminalized through a political process, only after considerable debate over the appropriate course of action. This process creates legislation, although additional appellate court action may be needed to interpret the laws passed by the legislature.

3. What do criminologists do?

A criminologist is “one who studies crime, criminals, and criminal behavior.” However, the term generally is applied to individuals who hold advanced degrees in criminology or a related field (sociology, psychology, etc.) and who study crime, criminal behavior, and crime trends. There are a wide variety of jobs available in the field of criminology. For example, criminologists may be college or university professors, work for a federal agency (e.g., the National Institute of Justice, Bureau of Justice Statistics, Office of Juvenile Justice and Delinquency Prevention), or a private research organization (e.g., RAND, Search Group, Inc., The Police Foundation), act as a public advocate, work for a politician or legislative body, or work for a civic organization. Criminologists may also work in the criminal justice system as a police officer, probation or parole officer, prison program director, or victims’ advocate.

4. What is criminology?

The textbook includes a variety of definitions of criminology.

• Paul Topinard (1889) is believed to have coined the term criminology. He used it to describe the study of criminal body types within the field of anthropology.

• Linguistically, the term means “the study of criminal accusations” or more simply, “the study of crime.”

• Edwin Sutherland’s original definition of criminology emphasized criminology’s importance as a discipline of study. This definition has been restated as “. . . the body of knowledge regarding delinquency and crime as a social phenomenon. It includes within its scope the processes of making laws, of breaking laws, and of reacting toward the breaking of laws.”
The definition of criminology used by the textbook is “an interdisciplinary profession built around the scientific study of crime and criminal behavior, including their manifestations, causes, legal aspects, and control.” This definition was chosen because it includes many of the elements in the definitions provided by earlier writers as well as recognizing the increasingly professional status of the criminological enterprise.

5. How does criminology cooperate with other disciplines to solve crimes?
Criminologists frequently are employed in the criminal justice system. They may be involved in police investigative work, applying their knowledge of offenders and the causes of crime to the practical need to solve crimes. They may also work for government agencies to develop effective social policies that are intended to deter or combat crime.

6. How does criminological theorizing impact the making of laws and social policy?
Criminology may influence social policy when policies are based on research findings. Criminologists are aware of the need to link social policy to the objective findings of well-conducted criminological research, and many criminologists are working to help policymakers effectively use research results.

Classroom and Out-of-Class Exercises

Activity 1
Ask students to watch a number of reality-based television shows such as *Cops* and to keep a record of the following information for each crime/event:
1. The gender and race of the suspects
2. The gender and race of the police officers
3. The type of crime
4. The products being advertised during these programs

Questions to consider:
1. What is the predominant race of the suspects? The police officers?
2. Do you notice any difference in the behavior of the suspects and police officers when they are both of the same race? Of different races? Of different genders?
3. What types of crimes are featured? Does one type of crime predominate?
4. Are the products advertised during these programs directed toward any specific subgroup of the population? Are they age- or gender-based?

Activity 2
Ask students to individually identify five behaviors that are against the law but which they do not consider to be deviant, as well as five legal behaviors which they do consider to be deviant. Divide the class into groups. Within each group, compare and contrast the items on the lists. Focus on the wide range of opinions present among a fairly homogenous group (university students studying criminal justice). Discuss possible reasons for differing opinions (e.g., religious beliefs, profession, prior experiences with the criminal justice system).

Activity 3
Ask students to respond to the quote by Karl Menninger at the beginning of the chapter. Do they agree with it, or disagree? How does reading it make them feel?
Activity 4
Ask students to write down three ideas they immediately think of when they hear the terms crime and criminology. Discuss their responses with the class.

Activity 5
Ask students to come up with three examples showing how the question “What is crime?” differs from the question “What should be criminal?”

Activity 6
Have students respond to the question, “Why are reactions to crime important?”

Activity 7
Have students respond to the question, “What is sociology and how does it differ from criminology?”

Activity 8
Have students respond to the question, “How might violence in the media influence actual occurrences of violence?”
## Classical and Neoclassical Criminology
### Choice and Consequences

### Supplement Correlation

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CHAPTER OUTLINE

Principles of Classical and Neoclassical Criminology

The Roots of Classical Criminology

_Cesare Beccaria (1738–1794): Punishment as Deterrence_
_Jeremy Bentham (1748–1832): The Pain versus Pleasure Balance_

A Critique of Classical Criminology

Neoclassical Criminology

_Rational Choice Theory_
_The Seductions of Crime_
_Situational Crime Control Policy_
_Critique of Rational Choice Theory_

Punishment and Neoclassical Thought

_Just Deserts_
_Deterrence_

The Death Penalty

_Capital Punishment and Ethnicity_
_A Flawed System?_

Policy Implications of the Classical School

_A Critique of Neoclassical Thought_

CHAPTER OVERVIEW

This chapter introduces the Classical School of Criminology, which grew out of concepts and ideas developed by Enlightenment thinkers in the eighteenth century. The Enlightenment was a social movement that emphasized reason and rational thought. It conceptualized humans as rational beings possessing freedom of choice and led to the development of the Classical School of criminological thought, viewing crime and deviance as products of the exercise of free will.

Cesare Beccaria, a key Enlightenment philosopher, published his _Essay on Crimes and Punishments_ in 1764, setting forth his philosophy of punishment. Beccaria emphasized punishment based on the degree of injury caused, felt that the purpose of punishment should be deterrence (rather than retribution), and saw punishment as a tool to an end (crime prevention), rather than an end in itself. He emphasized the need for the trial and punishment to be swift and for punishment, once decreed, to be certain. He also felt that punishment should only be severe enough to outweigh the personal benefits to be derived from crime. He opposed the use of torture and accepted the death penalty only for serious crimes against the state.

Jeremy Bentham, another founder of the Classical School, developed an approach known as utilitarianism or hedonistic calculus. Bentham believed that humans are rational and weigh the consequences of their behavior, considering pleasure versus pain. Therefore, he emphasized that to prevent crime, the pain of punishment must outweigh the pleasure derived from the crime. Like Beccaria, Bentham considered punishment to be a deterrent for those considering criminal activity.

By the start of the twentieth century, classical criminology was being replaced by positivism, which rejected the notion of free will and emphasized the concept of hard determinism—the belief that crime results from forces beyond the individual's control. However, by the 1970s, studies suggesting the failure of rehabilitation, combined with an increasing fear of crime, led to a resurgence of classical ideals known as neoclassical criminology.

Rational choice theory was developed out of the neoclassical school of criminology and is based on the belief that criminals make a conscious, rational, and at least partially informed choice to commit crime after weighing the costs and benefits of available alternatives. The two main varieties of choice theory are routine activities theory and situational choice theory. Routine activities theory suggests that crime is likely to occur when a motivated offender and suitable target come together in the absence of a capable guardian and focuses on how lifestyle can contribute to potential victimization. Situational choice theory revolves around the need for...
criminal opportunity and emphasizes the use of situational crime prevention strategies such as defensible space, improved lighting, controlling alcohol sales at sporting events, etc. These theories have been criticized for overemphasizing individual choice, disregarding the role of social factors (poverty, poor home environment, inadequate socialization, etc.) on crime causation, and assuming that everyone is equally capable of making rational decisions. Their emphasis on situational crime prevention strategies may also result in displacement rather than true prevention.

Both classical and neoclassical thought emphasize punishment. However, the Classical School sees deterrence as the purpose of punishment while the neoclassical view also incorporates retribution: If an individual chooses to violate the law, he or she deserves punishment and must be punished. Just deserts is the sentencing model that refers to the notion that the offender deserves the punishment he or she receives at the hands of the law. Neoclassical thinkers distinguish between specific and general deterrence. For punishment to be an effective deterrent, it must be swift, certain, and severe enough to outweigh the rewards of the crime. However, these requirements are rarely met by the modern criminal justice system, which may explain the extremely high rates of recidivism in the United States.

The death penalty is probably the most controversial punishment. Research suggests it may not be an effective general deterrent and that it is applied inequitably. Many capital cases appear to be seriously flawed, resulting in the conviction of innocent individuals. There is also much concern over the disproportionate imposition of the death penalty on ethnic populations. There are a large number of arguments both for and against the use of capital punishment in the United States.

There are a number of policy implications to come out of the Classical School, including the concepts of determinate sentencing, truth-in-sentencing laws, and incapacitation. Overall, the classical and neoclassical schools are more a philosophy of justice than a theory of crime causation. They do not explain how a choice for or against criminal activity is made, nor do they take into account personal motivations. There is no scientific basis for the claims made by the Classical School and many neoclassical thinkers also emphasize philosophical ideals over scientific research.

Lesson Outline

I. Principles of Classical and Neoclassical Criminology

A. The Enlightenment was a social and intellectual movement in Europe in the eighteenth century.

1. The Enlightenment was based on the idea that rational thought and the use of reasoned scientific principles would change how people understood their world.
2. It inspired a variety of social movements and led to much social change.
3. Discuss the effect of the Enlightenment on society and criminology.
   a. The Enlightenment contributed to the French and American Revolutions and to the U.S. Constitution.
   b. It emphasized free will and rational thought as the basis for human activity.
   c. It led to the development of the Classical School of criminology, which saw crime as a product of an individual’s free will.
   d. Crime was explained as a moral wrongdoing fueled by personal choice.

B. Classical and modern neoclassical criminology is based on eight key elements:

1. Human beings are fundamentally rational, and most human behavior is the result of free will coupled with rational choice.
2. Pain and pleasure are the two central determining factors of human behavior.
3. Punishment serves to deter law violators and as an example to others who might contemplate violating the law.
4. The principles of right and wrong are inherent in our nature and cannot be denied.
5. Society exists to provide benefits to individuals that they would not receive living in isolation.
When people band together for the protection offered by society, they forfeit some of their personal freedoms in order to enjoy the benefits of living amongst others cooperatively.

Certain key rights of the individual are necessary for the enjoyment of life, and governments that restrict and prohibit the exercise of those rights should be disbanded.

Crime lessens the quality of the contractual bond that exists between individuals and their society. Therefore, criminal acts cannot be tolerated by any members if everyone wants to receive the most benefit from living in a cooperative society.

C. Explain that assumptions associated with the Classical School of criminology are still a major part of criminological thought today.

Thematic Question: What are the major assumptions that underlie classical theories of crime causation?

Thematic Question: Which principles derived from the Classical School continue to characterize modern thinking about crime? In terms of criminal justice practice and policy, does fulfilling any one principle present problems in fulfilling another?

II. The Roots of Classical Criminology

A. Cesare Beccaria (1738–1794): Punishment as deterrence
   1. Cesare Bonesana, Marchese di Beccaria, born in Milan, Italy
   2. Beccaria’s *Essay on Crimes and Punishments*, published in 1764, contained his observations on the laws and justice system of the time.
   3. In his *Essay*, Beccaria presented a philosophy of punishment.
      a. Punishment should be based on the degree of injury caused rather than on criminal intent.
      b. The purpose of punishment should be deterrence rather than retribution.
      c. Punishment should be imposed to prevent offenders from committing additional crimes.
      d. Punishment as a means to an end, not an end in itself
   4. To prevent crime, adjudication and punishment should be swift and certain.
      a. The more closely punishment follows upon the commission of the crime, the more just and useful it will be.
      b. Punishment should be just severe enough to outweigh the personal benefits from crime commission.
      c. Beccaria condemned the use of torture.
   5. Beccaria’s ideas were widely recognized by his contemporaries as progressive.
      a. His principles were incorporated into the French penal code of 1791 as well as influencing various European leaders.
      b. His *Essay* influenced the framers of the U.S. Constitution.
      c. He is responsible for the contemporary belief that criminals have control over their behavior, that they choose to commit crimes, and that they can be deterred by the threat of certain punishment.

Thematic Question: According to Cesare Beccaria, in what ways can punishment be effective? What elements are the most important for effective punishment?

B. Jeremy Bentham (1748–1832): The pain versus pleasure balance
Bentham argued that people are rational and will weigh the resulting pain of punishment against the pleasure to be gained from committing the crime.

To reduce crime, the pain of the crime commission must outweigh the pleasure to be derived from criminal activity.

Bentham did not favor extreme or cruel punishment—the punishment only needs to be sufficiently unpleasant as to outweigh the benefits gained from committing crimes.

The more serious the crime, the more reward it carries, so the more weighty the punishment must be.

Bentham’s approach is known as utilitarianism or hedonistic calculus—he believed that individuals weigh the consequences of their behavior before acting, to maximize pleasure and minimize pain.

2. Bentham also designed a model prison, the Panopticon House.

a. It was designed as a circular building with cells along the circumference that could be clearly seen from a central guard location.

b. Panopticons should be built in or near cities to show potential offenders the consequences of crime.

c. Prisons should be managed by contractors who could profit from inmate labor.

d. We can link structures like the Panopticon to evolving ideas about social control.

Thematic Question: What is the basic principle that underlies utilitarianism?

C. A critique of classical criminology

1. It does not fully explain criminal motivation, other than to say that crime is the result of free will and individual choice.

2. It lacks meaningful explanations as to how a choice for or against criminal activity is made.

3. It lacks appreciation for the deeper sources of personal motivation.

4. It makes claims without any scientific basis behind them.

III. Neoclassical Criminology

A. Discuss the development of the neoclassical school.

1. In the late 1800s, classical criminology gave way to the approach known as positivism (see Chapter 3 for more detail on positivism).

a. Positivism uses the scientific method to study criminality.

b. Positivism is based on hard determinism, which accepts the belief that crime results from forces beyond the individual’s control, and rejects the idea of free will.

c. Hard determinism suggests that crime could be prevented by changing the conditions that produce criminality.

d. Explain that positivism can be reconciled with the concept of free will if one accepts soft determinism.
2. In the 1970s, many assumptions of positivism were undermined when research showed offenders could not be rehabilitated.
   a. This led to a move toward “get tough on crime” policies and a resurgence of classical ideals that became known as neoclassical criminology.
   b. Neoclassical criminology focused on the importance of character, the dynamics of character development, and the rational choices that people make when faced with opportunities for crime.
   c. Publications that contributed to the start of the neoclassical movement include:
      1. Robert Martinson’s study of rehabilitation, which led to the nothing-works doctrine
      2. James Q. Wilson’s argument that crime was not the result of social conditions and could not be affected by social programs
      3. The development of the justice model, which suggested that offenders deserve punishment because of the choices they make

**Thematic Question:** What factors undermined some of the assumptions of positivism during the 1970s?

3. Over the next several decades, many states initiated “get tough on crime” campaigns. Discuss California’s “three-strikes” law.

**B. Rational choice theory**

1. Developed in the 1970s and 1980s, rational choice theory includes many of the principles of classical criminology.
   a. It holds that criminals make a conscious, rational, and at least partially informed choice to commit crime.
   b. Individuals choose to commit crime when the benefits outweigh the costs of disobeying the law.
   c. There are two main varieties of rational choice theory: routine activities theory and situational choice theory.

2. Routine activities theory/lifestyle theory emphasizes victimization and was proposed by Lawrence Cohen and Marcus Felson in 1979.
   a. Cohen and Felson suggested that lifestyles contribute significantly to the volume and type of crime in society.
   b. They believed that changes in the nature of society in the 1970s contributed to increased rates of household theft and personal victimization by strangers.
   c. The approach claims that crime is likely to occur when a motivated offender and a suitable target come together in the absence of a capable guardian (someone who effectively discourages crime).
   d. The risk of victimization varies depending on the circumstances and locations in which people place themselves and their property.
   e. Felson later suggested that situational insights might combine to elicit a criminal response.
   f. Consider using a hypothetical crime incident (perhaps a home burglary or a mugging) to illustrate the basic logic and key elements of Lawrence Cohen and Marcus Felson’s routine activities theory.

**Thematic Question:** To what extent does your everyday routine make you susceptible to becoming the victim of certain crimes? What kind of crimes might you be most vulnerable to?
3. Situational choice theory was developed by Ronald V. Clarke and Derek Cornish.
   a. An example of soft determinism; views crime as a matter of both motivation and opportunity
   b. Crime is not just a matter of motivation but also a matter of opportunity.
   c. The probability of crime can be reduced by changing features of the environment.
   d. The use of situational strategies to prevent crime and lower the likelihood of criminal victimization

Thematic Question: What are the benefits of focusing crime prevention efforts on places rather than on people?

4. Rational choice theorists concentrate on the decision-making process of offenders confronted with specific contexts and have shifted the focus of crime prevention to specific strategies that would dissuade a motivated offender.
   a. Situational crime prevention includes five main objectives, each with five techniques that may be used to meet these objectives.
   b. Rational choice theory is similar to classical theory but puts more emphasis on rationality and cognition and less emphasis on pleasure and emotionality.

C. The seductions of crime
   2. Katz says that the pleasure derived from crime is the major motivation behind crime, suggesting that crime is rewarding to offenders because it is exciting and feels good.
   3. His approach stresses the sensual dynamics of criminality and says that for many people crime is sensually compelling.
   4. Consider discussing other criminologists who have examined the extent to which breaking the rules becomes a source of thrills. For example, mention Frederick Thrasher’s research on gangs, which discussed the extent to which delinquency is fun.

Thematic Question: Why is the failure to consider emotional states a problem with rational choice theory?

Thematic Question: How is crime rewarding for those who commit it? How can rewards be reduced?

D. Situational crime control policy
   1. Situational crime prevention shifts the focus of crime prevention away from the offender and onto the context in which crime occurs.
      a. It looks to expand our understanding of crime and develop more effective crime prevention strategies by focusing on the physical, organizational, and social environments that make crime possible.
      b. Instead of focusing on why people commit crime, it looks primarily at why crime occurs in specific settings.
      c. It emphasizes the concept of opportunity—reduce opportunities for crime in specific situations to prevent crime.
   2. Advocates argue that the context of crime is a promising alternative to traditional offender-based crime prevention policies.
   3. Give examples of access control and target hardening by focusing on the increased popularity of devices that individuals use to protect their homes and themselves.
E. Critique of rational choice theory

1. There is an overemphasis on individual choice and a relative disregard for the role of social factors in crime causation.
2. Rational choice theory does not adequately consider the impact of emotional states on cognitive ability or the role of psychopharmacological agents (for example, alcohol) in decision making.
3. Rational choice theory assumes that everyone is equally capable of making rational decisions.
4. The issue of displacement arises—situational crime prevention strategies may cause criminals to find new targets of opportunities in other areas.

Thematic Question: What might be some situational factors that precipitate criminal incidents?

Thematic Question: What are the key strengths and weaknesses of situational crime prevention?

Thematic Question: What is displacement? What are its implications for crime control policy?

IV. Punishment and Neoclassical Thought

A. Both classical and neoclassical thought emphasize punishment.
   1. The Classical School sees deterrence as the purpose of punishment.
   2. The neoclassical view also incorporates retribution—if an individual chooses to violate the law, he or she deserves to be punished and must be punished to curtail future criminal behavior.

Thematic Question: Compare and contrast the general perspectives of punishment held by the classical and neoclassical thinkers. What differences can you identify?

B. Just deserts
   1. The just deserts model of criminal sentencing refers to the idea that criminal offenders deserve their punishment, which should be appropriate to the type and severity of the crime committed.
   2. Neoclassical thought states that justice is what the individual deserves when all the circumstances surrounding that person’s situation and behavior are considered.
   3. Discuss why the just deserts approach appears to be such a popular approach to punishment in modern society.

Thematic Question: The just deserts model is concerned with punishment that is proportional to the offense committed. How is consensus on proportionality achieved?

C. Deterrence
   1. Deterrence is a hallmark of modern neoclassical thought.
   2. Modern neoclassical thinkers distinguish between two types of deterrence:
      a. Specific deterrence: a goal of criminal sentencing that seeks to prevent an offender from committing further crimes
      b. General deterrence: works by example and seeks to prevent others from committing crimes similar to the one for which a particular offender is being sentenced
      c. Discuss which of the two types of deterrence has the greatest potential to reduce crime.
   3. Modern-day advocates of general deterrence stress that to be an effective impediment to crime, punishment must be swift, certain, and severe; this is difficult to achieve in the modern criminal justice system.
4. Punishments are designed to prevent a repetition of crime; however, recidivism rates suggest that punishment does not prevent repeated crimes.
   a. Recidivism is the repetition of criminal behavior by those already involved in crime.
   b. The recidivism rate is the percentage of convicted offenders who have been released from prison and are later rearrested for new crimes.
   c. Studies suggest recidivism rates reach levels of 80% to 90% in some cases.
      (1) This means that eight or nine of every ten offenders are rearrested for new crimes within five years of release from confinement.
      (2) The actual rate is probably higher as these figures do not include offenders who are not caught or who recidivate more than five years after release from prison.

**Thematic Question:** From a deterrence perspective, under what conditions is punishment the most effective deterrent?

5. One reason the criminal justice system seems so ineffective in preventing crime and reducing recidivism is that punishments are rarely applied to the majority of offenders.
   a. Few lawbreakers are arrested.
   b. Of those arrested, few are convicted of the crimes with which they have been charged.
   c. If convicted, relatively few are sent to prison—most are released, fined, or placed on probation.
   d. Few offenders sent to prison serve the full term imposed by the court.

6. Use the crime funnel (Figure 2–2) to illustrate the due process safeguards of our criminal justice system and the priority attached to democratic principles.

7. While recidivism can be defined simply as a return to crime, precise measures of the concept vary across research studies.
   a. Although this limits the ability to compare findings across research studies, it can be turned into an asset as well.
   b. If research studies tailor recidivism measures to the evaluation of specific programs, crime policy could proceed more effectively.

**V. The Death Penalty**

**A.** There is considerable disagreement over the use of capital punishment as a criminal sanction.
   1. Discuss the ten main claims made by opponents of capital punishment.
   2. Discuss the counter-arguments made by advocates of capital punishment.

**Thematic Question:** Evaluate the claims made by advocates and opponents of the death penalty. Which arguments do you find the most compelling?

**B.** There has been considerable research into the effectiveness and fairness of capital punishment as a criminal sanction.
   1. Studies have not produced much agreement.
   2. Comparisons between states that have eliminated the death penalty and those that still have it find little variation in the murder rate.
   3. Similar results have been found in studies looking at variations in murder rates over time in jurisdictions that have eliminated capital punishment.

**Thematic Question:** What do research studies reveal about the just application of capital punishment?
C. Advocates still claim that the threat of death can be an effective deterrent.
   1. A swift and certain death penalty is likely to deter others, but modern-day capital punishment rarely meets these requirements.
   2. Advocates also point out that even if others are not deterred, capital punishment ensures that the individuals put to death will never commit another crime.
   3. Discuss with students the due process implications of speeding up the process of carrying out death sentences.

D. Capital punishment and ethnicity
   1. The Death Penalty Information Center presents claims that the death penalty has been imposed disproportionately on racial minorities throughout American history.
   2. A 1994 congressional report reached a similar conclusion, stating that racial minorities are prosecuted under federal death penalty law far beyond their proportion in the general population or the population of criminal offenders.
   3. Advocates of capital punishment are more concerned with whether the death penalty is fairly imposed than whether there are ethnic differences in the rates of imposition.
   4. Discuss the fallibility of the criminal justice system by pointing out how a significant number of wrongful convictions have been shown to occur in capital punishment cases and ask students why, given such mistakes, our society continues to support capital punishment.
   5. In the 1987 case of *McCleskey v. Kemp*, the U.S. Supreme Court held that a simple showing of racial discrepancies in the application of the death penalty does not amount to a constitutional violation.
      a. The relevance of this case is that it was based on claims of a systemic effort of racism in the imposition of the death sentence.
      b. Explain why such an argument is difficult to make in a legal system like ours that looks at the particulars of a given case.

Thematic Question: Are there elements of racism in the imposition of capital punishment today? Explain your response.

E. A flawed system?
   1. A 1996 study funded by the National Institute of Justice reviewed 28 cases in which postconviction DNA evidence conclusively exonerated defendants sentenced to long prison terms, showing the fallibility of the justice process.
   2. More recent studies on the imposition of the death penalty have focused on injustices inherent in the sentencing process and on the seemingly unfair application of capital punishment sentences.
      a. In 2000, a study in Texas looked at hundreds of capital trials and appeals and found that:
         (1) Poor clients received bad representation by court-appointed attorneys.
         (2) Prosecutors are more likely to ask for the death penalty in cases where the victim is white.
         (3) African Americans and Hispanics are often excluded from capital juries.
      b. A 2000 study by the U.S. Department of Justice found significant racial and geographic disparities in the imposition of federal death sentences.
      c. Research of death penalty appeals between 1973 and 1995 found that most cases were seriously flawed, requiring retrials.
      d. Between 1973 and mid-2004, 114 people in 25 states were released from death row after proof of their innocence became available.
e. Recently, some jurisdictions have begun to rethink the use of capital punishment.
   (1) Illinois suspended executions in January 2000 after DNA results showed that 13 death row prisoners were not guilty.
   (2) Maryland declared a moratorium on executions in 2002.
   (3) The New Hampshire legislature voted to abolish the death penalty in May 2002, although the governor subsequently vetoed the legislation.
   (4) In March 2009, New Mexico abolished capital punishment.

f. Other states are not in favor of abolishing capital punishment; for example, the governor of Massachusetts has made efforts to revive capital punishment.

g. In 2004, President George W. Bush signed the Innocence Protection Act into law, which focuses on improving the ability of crime laboratories to conduct DNA analyses.

h. Not all claims of innocence are supported by DNA tests.

VI. Policy Implications of the Classical School

A. Lawrence W. Sherman described four paradigms of justice, based on the rationality or emotionality of both the offender and society’s response to criminality.
   1. Expressive economics is the paradigm that dominates current practice.
      a. This assumes that crime is a rational act but that justice is emotional and uses punishment as a symbolic expression of society’s anger and outrage at the criminal’s act.
      b. This paradigm does not satisfy most participants because while the offender rationally calculates costs and benefits, the system is expressing emotion and outrage.
   2. The rational economics paradigm favors deterrence and best exemplifies the principles of classical and neoclassical thought.
      a. This assumes that both the offender and the justice system are rational.
      b. Punishment is used to make the economics of crime more favorable to obeying the law than to breaking the law.

B. During the past 30 years, the philosophy of the American justice system has mixed both expressive and rational economics, resulting in the development of a number of sentencing practices.
   1. Determinate sentencing specifies a specific and fixed amount of time to be served for each offense category and builds on the two key concepts of classical thought.
      a. The pleasure of a given crime can be somewhat accurately assessed.
      b. A fixed amount of punishment necessary for deterrence can be calculated and specified.
   2. Truth in sentencing requires judges to assess and publish the actual time an offender is likely to serve once sentenced to prison; many laws also require offenders to serve a large portion of their sentence before their release.

Thematic Question: Compare and contrast determinate sentencing and truth-in-sentencing practices. How would the social problems and social responsibility perspectives argue for one or the other?

3. Incapacitation is the use of imprisonment or other means to reduce the likelihood that an offender will be capable of committing future offenses.
   a. Selective incapacitation controls crime by imprisoning specific individuals.

Thematic Question: We currently have difficulty in predicting the future dangerousness of a particular person in terms of criminal behavior. How feasible is selective incapacitation if the ability to predict dangerousness is faulty?
b. Collective incapacitation uses changes in legislation or sentencing patterns to remove from society entire groups of individuals judged to be dangerous.

c. Marvin Wolfgang’s research in Philadelphia found that out of a cohort of almost 9,000 men, 627 chronic recidivists were responsible for a large majority of all serious violent crimes committed by the group.

(1) Discuss the implications of Wolfgang’s work on chronic offenders for the direction of criminal justice research and policy.

C. Sherman’s other two paradigms are based on an emotional rather than a rational offender.

1. The expression paradigm combines an emotional offender and an emotional justice system.

2. The emotional intelligence paradigm involves an emotional offender and a rational justice system.

a. This is the paradigm Sherman advocates as the best hope for the future.

b. Actors in the criminal justice system would control their emotions and work with offenders and victims to bring about a reasonable resolution of the situation to repair the harm caused by the crime.

D. A critique of neoclassical thought

1. Proponents of the neoclassical school claim much of the credit for the recent reduction in crime rates, pointing out that official crime rates have declined substantially following the implementation of get-tough-on-crime policies.

a. This does not explain why crime has also decreased in areas in which there were no such policies.

b. This decline may also be an artifact of the measuring process or be due to demographic changes in the U.S. population.

2. Another criticism is that many neoclassical thinkers defend their perspectives using philosophical ideals rather than scientific findings.

Go Beyond the Text

Topic 1

Consider discussing the issue of shaming as a form of deterrence, including both stigmatic and reintegrative shaming. Topics to discuss could include:

1. The use of stigmatic shaming or degradation throughout U.S. history (e.g., branding, stocks, public punishments)

2. The recent revival of stigmatic shaming (e.g., publishing the names of offenders in newspapers, posting them on billboards, televising criminal trials)

3. John Braithwaite’s concept of reintegrative shaming

Topic 2

Another option is to discuss various ways in which the Classical School has affected the criminal justice system. Topics for discussion include:

1. The reform of criminal codes to eliminate torture, develop more consistent and certain punishments, and reduce the use of capital and corporal punishment

2. The increased use of incarceration as a punishment as well as for short-term detention of those awaiting trial, execution, or corporal punishment

3. The reform of law enforcement, including the development of the modern full-time police force with the goal of deterring and preventing crime
Focusing Questions

1. What are the roots of classical criminology?

Classical criminology is a school of thought that developed out of the Enlightenment in Europe in the late eighteenth and early nineteenth centuries. The Classical School emphasizes rationality and sees crime and deviance as products of the exercise of free will. Classical theorists emphasize swift and certain punishment, and generally oppose the use of torture.

2. How did neoclassical criminology develop and what were some of its components?

Neoclassical criminology developed out of the 1970s disillusionment with rehabilitation and positivist views that led to a resurgence of classical ideals. It focuses on the importance of character, the dynamics of character development, and the rational choices people make when faced with opportunities for crime.

3. How did neoclassicism view punishment as a deterrent to crime?

Classical thought held that deterrence was the main goal of punishment. Modern neoclassical thinking has expanded the role of punishment to support retribution as well as deterrence. Essentially, neoclassical thought holds that an individual who chooses to commit crime deserves to be punished, because he or she knew the consequences of crime before committing it, and must be punished to prevent future crimes. Neoclassical thinkers also emphasize the need for punishment as retribution, and emphasize “truth-in-sentencing” policies that help to ensure the certainty of punishment. Neoclassical criminologists also distinguish between general and specific deterrence and emphasize the just deserts model of sentencing.

4. What are the arguments for and against the death penalty?

There is considerable debate among classical thinkers as to whether or not the death penalty is an appropriate form of criminal sanction. The main claims made by opponents of capital punishment are:

- Capital punishment does not deter crime.
- The death penalty has, at times, been imposed on innocent people, with no workable system currently in place to prevent the accidental execution of innocents.
- Human life is sacred, even the life of a murderer.
- State-imposed death lowers society to the same moral (or amoral) level as the murderer.
- The death penalty has been haphazardly imposed in seemingly random fashion.
- The death penalty is imposed disproportionately upon minorities.
- Capital punishment goes against most fundamental precepts of organized religion.
- The death penalty is more expensive than imprisonment.
- Internationally, capital punishment is widely viewed as inhumane and barbaric.
- A viable alternative exists in life imprisonment without the possibility of parole.

Advocates of capital punishment discount these claims by countering arguments of injustice with the proposition that those who commit especially heinous acts deserve death.

5. What are the policy implications of the Classical School?

A number of punishment practices have been developed based on classical principles. Determinate sentencing requires a specified fixed amount of time to be served for every offense category. This is based upon two key elements of classical thought: that the pleasure of a crime can be assessed and that the amount of punishment necessary for deterrence can be determined. Truth in sentencing requires judges to determine and make public the actual time an offender is likely to serve (as opposed to the length of time to which the offender is sentenced). Many statutes now require offenders to serve a certain portion of their sentence
(usually 80%) before they become eligible for release. Incapacitation focuses on using incarceration and other techniques to reduce the likelihood that an offender will be capable of committing future crimes (based on the assumption that while an offender is in prison, he or she is not free to commit crimes against the general public).

In general, all of these policies incorporate imprisonment as a way to prevent crime, either through incapacitation or through deterrence, or both.

Classroom and Out-of-Class Exercises

Activity 1
Place students into groups and assign each group to a public venue (a library, a grocery store, a video store, an office building, etc.). Have each group inspect their assigned location and answer the following questions:

1. What situational crime prevention techniques are in use in this location? What types of crime do they attempt to prevent? (For example, metal detectors help prevent the theft of library books.)
2. What additional techniques might be employed to reduce crime in this location?

Activity 2
Place students into groups. Have each group read the U.S. Constitution and the Bill of Rights and prepare a short report on how this document was influenced by the principles of the Classical School of criminology, including specific examples.

Activity 3
After identifying and discussing the assumptions underlying classical theories that are stated in this chapter, ask students to write down whether they agree or disagree with the assumptions identified, and to explain why in one or two sentences. Return the students' responses at various points throughout the semester, and ask them whether they want to revise any of their original statements.

Activity 4
Break students into groups and ask them to come up with several examples of how crime prevention has become a routine part of everyday life.

Activity 5
Ask students to visit the Web Extras that relate to capital punishment and to evaluate the kinds of information available. (See Web Extras 2-12, 2-13, and 2-14.)

Activity 6
Have students relate and then discuss their perspectives on capital punishment.