

8.3: Deterrence

Forward-looking ideologies are designed to provide punishment, but also to reduce the level of reoffending (**recidivism**) through some type of change, while the backward-looking approach is solely for the punishment of the offender's past actions. This change in how we view punishment is a large shift that has ripples in culture, the politics of the times, and even religion. Moving many eras forward from Hammurabi, deterrence is the next major punishment ideology. Rooted in the concepts of classical criminology, deterrence is designed to punish current behavior(s), but also ward off future behaviors through sanctions or threats of sanctions. Moreover, it can be focused on a group or on one individual. Thus, the basic concept of **deterrence** is "the reduction of offending (and future offending) through the sanction or threat of sanction."

When looking at punishment through this deterrent design, it can be split into two distinct categories: general and specific. **Specific deterrence** is geared towards trying to teach the individual offender a lesson. It is meant to better that individual so they will not recidivate. By punishing the offender (or threatening a sanction), it is assumed they will not commit a crime again. It is this point that makes deterrence a forward-looking theory of punishment. General deterrence runs along the same track as specific deterrence. However, **general deterrence** differs by when one person offends, the punishment received is going to be the same for all. In this way, the group doing the punishing attempts to relay the message of future events to the masses. If someone commits this act, they will be punished. This is part of the core design for deterrence.

Some other principles of deterrence to discuss in brief are: marginal, absolute, and displacement. Marginal deterrence works on the principle that the action itself is only reduced in amount by the offender, not removed. An example of this would be when a person sees a police officer sitting on the side of the freeway. If they are driving 70 mph, they might slow to 58 mph. Technically, they may still be breaking the law, yet their level of criminal behavior has been reduced. Absolute deterrence is a surrealistic concept often thought to be created by Robert Peel, in his idea of creating a police force to remove all crime. In today's standards, we know this to be false. There is little to no evidence to support that all crime can be deterred within a specific area, or even in general. Displacement argues that crime is not deterred, but rather, it is shifted on three levels. It may be shifted by time, location, or the type of crime committed. Instead of someone stealing cars on the weekend, they may sell drugs during the day. Although the weekend crime carjacking rate will decrease, the daily drug trade will increase.

In order for all of these principles of deterrence to work, the people who are involved (meaning society as a whole) must have a conceptual (perceived) idea of the level of punishment they will receive. For the efficacy of this theory, three key things must be instilled within each individual in society. They must have free will, some amount of rationality, and felicity. Free will refers to everyone's ability to make choices about their future actions, like choosing when to offend and not offend. They must also have a rationalistic ability (ability to be rational) to see what the outcomes of their choices will be. The third element, hedonism (or a hedonistic calculus), is essential. We must desire more pleasurable things than harmful ones. It is more probable that crime will be deterred if all three of these elements are in place within society. This is both a strength and weakness of the deterrence theory.

Deterrence theory works on these three key elements: **certainty**, **celerity**, and **severity**, in incremental steps. First, by making certain, or at least making the public think that their offenses are not going to go unpunished, then there will be a deterrent factor. As Beccaria relates, this is the most important of these three elements within deterrence theory. The celerity, or swiftness of punishment, is a secondary factor in rationalizing for the offender. If they know how swift the punishment will be, they will not offend. These concepts were cornerstones to the works of Cesare Beccaria (1738-1794), an Italian philosopher in the latter half of the 18th century. Beccaria's works were profound, and many of his concepts helped to shape the U.S. Bill of Rights. He is also considered the Father of the Classical School of Criminology, and a prominent figure in penology. According to Beccaria, "For punishment to attain its end, the evil which it inflicts has only to exceed the advantage derivable from the crime... All beyond this is superfluous and for that reason tyrannical." ^[1]



Cesare_Beccaria_1738-1794.jpg

In saying this, Beccaria refers to the severity or amount of punishment. It is not how much punishment that is the primary motivator of deterrence, rather, the certainty. If deterrence is to work, the ideology of the punishment is what should drive this goal of corrections.

Today, we have a better understanding of the effectiveness of deterrence. It does appear to work for lower level offenses, and for individuals that are generally prosocial. However, the overall effect of deterrence is limited. For more detail on things to know about deterrence, please see: <https://www.ncjrs.gov/pdffiles1/nij/247350.pdf>

1. Beccaria, 1764/1963, 43. ↩

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