

The Foundation and Re-emergence of Classical Thought in Criminological Theory: A Brief Philosophical History

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In history, a great volume is enrolled for our instruction, drawing the materials of future wisdom from the past errors and infirmities of mankind.

(Edmund Burke)

Introduction

One of criminology's most notable historians, Nicole Rafter, argued that "[i]f criminology is to fully mature as a field of study, it needs to develop a clear sense of its own history" (2004a, p. 736). This sentiment was also earlier expressed by David Garland (1985): the "failure of criminologists to reflect critically upon their own practice has meant that our knowledge of criminology's development is inadequate" (p. 110), and was the central theme of John Laub's (2003) American Society of Criminology's Presidential Address, where he eloquently lamented the prevalent "presentism" or ahistorical view of most criminologists (Laub, 2004). All three of these positions reflect concern that criminologists have ignored Burke's (1790) advice about the role of the past in instructing the present and future. An important part of learning the scientific field within which one works, then, is gaining a good understanding of its past—past theories, methodologies, philosophies, and controversies. Such an undertaking is important for scholars for several reasons. First, if science is taken to be, at least in part, an accumulation of knowledge, then the value of current findings can best be judged with some knowledge of past findings (and the scientific tools that made them possible). How else does one determine whether or not any scientific work "makes a valuable contribution to the field"? Second, the past can instruct the present regarding which questions or puzzles promise to be fruitful, and which methodologies or analytic tools may be the most and least productive—valuable instruction to present scholars as to what has been done and failed and what should have been done but was not. Finally, a sound sense of the history of one's discipline infuses scholars with a healthy dose of humility—a sense that there are others who have gone before them who have addressed

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many of the same problems and had many of the same thoughts and ideas, and that one's own work is deeply embedded within this intellectual stream, and, as such, is both deeply indebted to this past, and, as such, is not likely to be terribly unique.

In this chapter, we would like to pay homage to one piece of criminological history and historical philosophy, the history that has become popularly known as the classical school of criminology. While some very brief attention will be devoted to the historical origins of classical criminology, the bulk of our attention will be devoted to the reappearance of classical theory assumptions since the late 1960s in the form of deterrence, routine activities, and rational choice theory. Here we would prefer to refer to this intellectual tradition within criminology as a collection of decision-based theories of crime because all of them presume that criminal offending is in large measure a decision that is intentionally made by actors, an assumption which makes these distinguishable from other criminological theories. We are taking the most general of the decision-based theories as rational choice theory with deterrence and routine activities theories as more specific variations of rational choice theory. Regardless of any subtle differences, all these theories share the common assumption that offending is a matter of choice based upon the anticipated costs and benefits of the action, and so all are premised on classical criminology.

The origin of the classical school of criminology is frequently attributed to the work of the Italian Enlightenment scholar Cesare Beccaria¹ and his *Essay on Crimes and Punishments*, first published in 1764 in Italian, with the first English edition appearing in 1767. There is also acknowledgment of the important role played by the Englishman Jeremy Bentham in the development of classical criminology, with specific reference to his *Introduction to the Principles of Morals and Legislation*, published in 1789, and other works.² In fact, it is pretty much safe to say that when criminologists (students and scholars) think of the history and philosophy of the classical school of criminology that Beccaria and Bentham but few, if any, other thinkers come to mind. While there may be some sense among criminologists that Beccaria may have influenced Bentham, there is scant knowledge and discussion as to who influenced Beccaria. It is as if the history of classical thought about crime begins with and was invented by Beccaria himself. As a result, much credit is given, and we will try to argue, falsely given to Beccaria as an exceptionally original thinker. We do have to readily admit that this early version of classical criminology of Beccaria was not really interested in explaining the cause of criminal behavior *per se*, but (and again we will see for historical and philosophical reasons) was focused on penal and criminal law reform. Nevertheless, the calls for reform of criminal procedures and punishments by Beccaria and Bentham inevitably made assumptions about the causes of crime, and it is these assumptions that would be the focus of the reappearance of classical thought in criminology. In the section that follows we will briefly discuss the early philosophical history of classical criminology and its origins, not so much in Beccaria, but in both the French Encyclopedists and English moral philosophers and free thinkers.

Philosophical History of Deterrence, Rational Choice, and Routine Activities Theories: Enlightenment Influences

As we mentioned, the early classical scholars were not much interested in the causes of crime but in articulating policies and principles for the reform of criminal law and existing systems of punishment. At the time, criminal laws were vague and generally unknown, and the administration of laws and punishments was at the total discretion both of various

monarchies and their court officials, as well as ecclesiastical authority, leading to their inconsistent application. Similarly, at least in part to demonstrate royal and religious power and authority, punishments were exceptionally cruel, harsh, and bore little proportionality to the harm done (for example, theft was punished with barbaric forms of the death penalty, religious crimes were brutally punished, as were the crimes of the less powerful and religious and political minorities). At this moment of both royal and religious power, however, the philosophy of the Enlightenment was emerging (circa the 1650s to the 1750s) in Europe with contrary ideas.³ Although a complex philosophical movement that had internal divisions (witness the disagreements between Voltaire and Diderot, on the one side, versus Rousseau, on the other⁴), we can say with some certainty that Enlightenment philosophers rejected what they saw as the capricious and harsh exercise of power by both Crown and Church, they rejected the role of religious superstition and even religious influence in secular life, and they fought both Crown and Church for more political and economic freedom as they tried to create a new civil society out of the old medieval one. Most importantly for our concerns, they believed that the presence of crime was not due to the absence of faith, the pervasive nature of sin, or God's influence, but humanity's greed and self-interest.⁵

Beccaria's *Essay on Crimes and Punishments* fit naturally with these Enlightenment principles.⁶ This tiny book is stocked with ideas that: present a secular explanation for the origins of government in terms of a social contract, rather than based on the divine right of kings; contain specific prescriptions for the reform of the criminal law, including the elimination of such common practices as torture to extract confessions and secret accusations; place restrictions on the arbitrary authority of judges and other legal officials; propose the abandonment of cruel and harsh physical punishments; and suggest that punishments be proportionate to the severity of the offense and based on the goal of deterrence rather than retribution or atonement. The essay was a cautiously couched assault on the nature of the criminal law and penal policies in all of Europe's monarchies as well as the Catholic Church. At its most basic, if the right to make laws and punish did not come from God (and from God through royalty), where did it come from? Beccaria's answer was that laws and punishments are human creations and the product of a rational and enlightened human mind. Not surprisingly, Beccaria, fearing persecution, first published his essay anonymously, and in 1766 the essay was placed on the Catholic Church's *Index Librorum Prohibitorum* and was not removed until Pope John XXIII did so in 1962.

Beccaria's *Essay* was certainly timely, coinciding with both the more general cultural themes of the Enlightenment, the growing economic power of an emerging capitalist class, and a growing dissatisfaction with state power, a fact noted by one of his biographers:

It appeared at a moment marked by a growing revolt against despotism and absolutism – it was the product of an era given to the serious questioning of the sanctity and utility of prevailing social institutions. There are reasons for believing that the essay would have failed to impress or to have attracted but passing attention had it not appeared when it did. (Monachesi, 1956, p. 448)

Opportune, and for that reason widely acclaimed, Beccaria did not advance many, if any, original thoughts in the *Essay*. In fact, though Beccaria is frequently proclaimed by modern criminologists as the father of classical criminology to whom we owe much intellectual debt, we can locate the source of all of Beccaria's ideas in the works of previous French (Voltaire, Helvétius, and Montesquieu) and British/Scottish (Shaftesbury, Hutcheson,

Hume, and Locke) philosophers. We think it is not too disingenuous to say that Beccaria was simply a translator, who took many of the general intellectual themes of the French Enlightenment and English moral and political philosophy (Miller, 1993) and focused them solely on the issue of criminal law and penal reform rather than society more generally. The offense in this is that the vast majority of criminologists, while well versed in Beccaria's philosophy and calls for reform of the criminal law, are not as knowledgeable about the more general and potentially still untapped body of thought that he drew on. While virtually all criminologists are familiar with Beccaria and his *Essay*, who has read Helvétius, Montesquieu, Shaftesbury, Hutcheson, or Locke? Before we feel entitled to discuss the re-emergence of the classical school in 20th-century criminology, we think it is important to briefly background Beccaria's thought and show its historical and philosophical sources.

Beccaria himself acknowledged part of his debt in the pages of the *Essay*. As early as the Introduction, for example, he makes reference to the fact that he drew on the previous work of Montesquieu "[i]ndivisible truth has set me to follow in the enlightened footsteps of that great man" (Beccaria, 1995, p. 8), and just a little later in the text he explicitly acknowledges the influence of Hobbes. In a letter to the **philosophe** Jean Baptiste D'Alembert, Beccaria alludes to his familiarity with D'Alembert's work in the *Encyclopaedia*, and in a letter to André Morellet, Beccaria concedes that he read and was influenced by the works of Diderot, Helvétius, Buffon, and Hume. There are also other influences, such as Hutcheson and Shaftesbury that go unacknowledged. But exactly what was the influence of these other philosophers on Beccaria? It is this intellectual stream we would like to briefly follow. Since this is not the central focus of our chapter, we cannot discuss all of the sources of Beccaria's thought, but it is important that we show the major connections since some of these same ideas characterize contemporary choice-based theories of crime.

Let us directly address a point we made earlier that there is virtually nothing in Beccaria's *Essay* that was original, but that he borrowed diverse ideas from Enlightenment philosophy and directed it at criminal and penal reform. Many of the reforms of the criminal and penal law discussed by Beccaria in his *Essay* were prominent themes in the earlier works of both Voltaire and Montesquieu. In Voltaire's essay, "On Laws," in his *Philosophical Dictionary* published in 1694, for instance, he was harshly critical of the arbitrariness and inconsistencies in the French criminal code. From Voltaire's *Letters on England* in 1734, Beccaria would have learned about Voltaire's admiration for English political and religious tolerance (at least more so than existed in France), the lack of any Inquisitorial history in penal practice, the equitable system of taxation, and the principle of equality before the law and limited royal power (by way of the Magna Carta). In his *The Spirit of the Laws*, published in 1748 nearly 20 years before the *Essay*, Montesquieu was sharply critical of existing criminal and penal practices, citing nearly all of the abuses discussed by Beccaria in the *Essay*, including: physically brutal punishments, disproportionality between the harm done to society by the crime and the amount of punishment inflicted upon the offender, the use of torture, the importance of preventing crimes rather than punishing them, vague laws that leave much room for interpretation and discretion by authorities, and harsh punishment for religious crimes.⁷ The notion that political legitimacy is based on a social contract between rulers and subjects that is so prominent in the first chapters of Beccaria's *Essay* was described in detail in Diderot's entry, "Political Authority" in the first volume of the *Encyclopédie* in 1751. Moreover, we cannot even attribute the well-known utilitarian ethical principle of "the greatest good for the greatest number" to either Beccaria (not surprising) or Bentham (surprising). Bentham used the phrase but once in his *Introduction to the Principles of Morals and Legislation* ([1789] 1988), and gives credit for this idea to either Beccaria or

Joseph Priestley: “Priestley was the first (unless it was Beccaria) who taught my lips to pronounce this sacred truth—that the greatest happiness of the greatest number is the foundation of morals and legislation” (Bentham, 1843, p. 142). The phrase and the utilitarian ethical principle belong to the Scottish philosopher, Francis Hutcheson, who wrote in *An Inquiry into the Origin of Our Ideas of Beauty and Virtue* (1725, p. 164):

In the same manner, the moral Evil or Vice, is as the Degree of Misery, and Number of Sufferers; so that; that action is best which procures the greatest Happiness for the greatest Numbers; and not, worst, which in like manner, occasions Misery. (p. 164)⁸

An area where Beccaria was his most unoriginal, but an area that was to indirectly influence the reemergence of the classical school in the form of rational choice/deterrence as well as routine activities theory, was in his psychology of mind. Let us begin by recalling some passages from Beccaria where he provides some insight as to how deterrence works and why:

Some tangible motives had to be introduced, therefore, to prevent the despotic spirit, which is in every man, from plunging the lows of society into its original chaos. These tangible motives are the punishments established against infractors of the laws. I say “tangible motives” because experience has shown that the multitude adopt no fixed principles of conduct and will not be released from the sway of that universal principle of dissolution which is seen to operate both in the physical and moral universe, *except for motives that directly strike the senses*. These motives, by dint of repeated representation to the mind, counterbalance the powerful impressions of the private passions that oppose the common good. Not eloquence, not declamations, not even the most sublime truths have sufficed, for any considerable length of time, to curb passions excited by vivid impressions of present objects. (Beccaria, 1995, p. 12; emphasis added)

punishments and such methods of inflicting them ought to be chosen, therefore, *which will make the strongest and most lasting impression* on the minds of men ... (p. 42; emphasis added)

There are a number of important points in this passage whose philosophical history it would be helpful to reconstruct due to their future impact upon deterrence theory and routine activities theory.

Beccaria reveals here his theory of the mind and knowledge, which is based on the previous work of Hume, Hobbes, Locke, Hutcheson, and Helvétius, the former three much more well known and read by criminologists than the latter two.⁹ The Beccarian doctrine is a form of Sensationalism; the idea that all human knowledge is based on sense impressions, and it is this doctrine that we see eventually thrive again in contemporary rational choice and routine activities theory. This empiricist theory of the mind, in contrast to Descartes’ Rationalism, is premised on the notion that the motivating force for all action is passion, not reason or innate idea. In other words, we become aware of things and learn on the basis of external stimuli or impressions activating our senses. Further, it was Hume, who in his *Treatise of Human Nature* ([1739] 1896, p. 415) argued against Descartes that: “Reason is, and ought only to be the slave of the passions, and can never pretend to any other office than to serve and obey them.” While passion motivates conduct, reason guides passion and this occurs through our interaction with the external environment and the sense perceptions we receive.

Returning now to Beccaria’s claim that rule breaking (crime) is brought about by the “*despotic spirit, which is in every man*”—the despotic spirit being self-interest which would lead me to violate the social contract but expect you to comply with it. The motivational

component to crime need not be explained in deterrence theory, therefore, because the tendency to act in one's own self-interest is in all of us. In order for there to be civil society, therefore, there must be a countervailing impression inflicted on the senses to convince would-be transgressors of the contract that they should refrain from or inhibit their action. This countervailing sense impression comes from punishment—punishment working on the senses is what convinces people to refrain from crime. For deterrence, according to Beccaria ([1764] 1995, p. 12), it is duly authorized punishment that “directly strike the senses” that provides the counterbalance to the impressions produced by the temptations of the crime. As we will see in more detail, routine activities theory virtually ignores any assumptions regarding the nature motivation for the “motivated offender” and focuses instead upon the temptations that criminal opportunities provide (portable goods, for instance) and the barriers that prevent the crime (guardians, for instance), which are the routine activities theorists’ analog to punishment. Neither deterrence nor routine activities theorists pay much attention to providing an explanation for criminal motivation—the desires of the passion are assumed “in every man [*sic*],” and spend their time trying to explain the need for countervailing sensations that must operate on the minds of would-be offenders.

Further, there is a thread of Lockian (*Essay Concerning Human Understanding*) and Humian (*Treatise of Human Nature*) theories of learning or Associationism that reoccurs in both Beccaria and later on in rational choice and routine activities theory. One element of Hume’s theory of learning is the associative relation of cause and effect: that if one sensation (fear of punishment) was temporally proximate to a second sensation (the thrill or economic gain from crime), then the two sensations would become associated, and the more associations, the easier it would become planted in memory. While it is intuitive that certainty and severity are two important dimensions of punishment, it is less clear why celerity or swiftness would be so important. The answer to this is that Beccaria’s demand for swift punishment is anchored in Associationist thought as seen in Chapter XIX of the *Essay*:

I have said that the promptness of punishments is more useful when the length of time that passes between the punishment and the misdeed is less, so much the stronger and more lasting in the human mind is the association of these two ideas, *crime and punishment* they then come insensibly to be considered one as the cause, the other as the necessary inevitable effect. It has been demonstrated that the association of ideas is the cement that forms the entire fabric of the human intellect;¹⁰ without this cement pleasure and pain would be isolated sentiments and of no effect. (1995, pp. 56–57; emphasis in original)

For similar reasons, routine activities theories suggest that to be most effective in discouraging crime, guardians/place managers need to be in the same situational context as the desired target. Repeated pairings of swift punishment (for deterrence) or situational impediments (for routine activities, situational crime prevention, and other environmental criminologies) and criminal opportunities provide the impediments to criminal offending.

While we will discuss the more contemporaneous intellectual influences on deterrence, routine activities, and rational choice theories, before we do so, we need to note additional philosophical connections with rational choice theory. While we tend to think of Beccaria as the intellectual forerunner of deterrence theory, as an economist of sorts,¹¹ he also made an important, though forgotten, contribution to rational choice theory. In an essay published in the periodical *Il Caffè*, he and the Verri brothers produced as part of their literary

society, the *L'Accademia dei pugni* (the Academy of Fists), an article entitled “An Attempt at an Analysis of Smuggling.”¹² In this, Beccaria produced an economic and empirical analysis of crime that would have made Becker and Posner proud. In this essay he presents an equation¹³ describing a merchant’s decision either to legally spend money on imported goods with a corresponding tax burden, or run the risk of smuggling in the goods, avoiding the tax, with the expectation that some of the amount will be confiscated by the authorities and lost. Beccaria notes that the risk that the merchant has is directly proportional to the number of customs inspectors and inversely proportional to the total volume of the merchandise. What Beccaria describes, then, modern-day rational choice criminologists might recognize as an inter-temporal decision involving risk under uncertainty. Later rational choice scholars like Richard Posner and Gary Becker would develop further lines of thought on this matter. The point is that while most criminologists can readily identify Beccaria with deterrence theory because of the *Essay*, in “Analysis of Smuggling” he initiated economically-based studies of criminal behavior that bear a close affinity to current rational choice theory in criminology.

But Beccaria was not alone among Enlightenment-era thinkers who were to influence the eventual development of rational choice theory, two equally if not more prominent people were Adam Smith and Jeremy Bentham. If Adam Smith’s work, *An Inquiry into the Nature and Causes of the Wealth of Nations* can be said to be the beginning text of the scientific study of economics, then it, along with his *The Theory of Moral Sentiments*,¹⁴ can be identified as an Enlightenment-era¹⁵ foundation for rational choice theory. While *Wealth of Nations* contained the best of Smith’s economic analyses of the market economy, it was in the earlier *Theory of Moral Sentiments* that Smith introduced the concept of the “invisible hand” to describe how it was that the pursuit of one’s own self-interest provided general benefits to society. The theme that people are motivated by self-interest and so are keenly aware of the price and benefits of their actions was developed in both works, but the *Theory of Moral Sentiments* was replete with notions that human conduct is influenced by factors other than the direct financial costs and benefits of actions. In addition to a natural inclination to self-interest (Beccaria’s “despotic spirit which is in every man”), Smith had a theory of human sympathy in which observing others makes people aware of themselves and their morality and that the development of sympathy is in one’s own self-interest.¹⁶ Thus, Smith argued that altruism was completely compatible with self-interest and that human actors are more than merely *homo economicus*, eventually opening the door to a much broader theory of rational choice.¹⁷ For example, in the *Theory of Moral Sentiments*, Smith gave us the concept of the “impartial spectator.” While passion or desire can be channeled by good reason or rational considerations, that is often not enough to inhibit impulses to action, however, Smith presents that these impulsive actions can be overridden by seeing how our behavior would look like from the perspective of persons outside us, the impartial spectator—“a moral hector who, looking over the shoulder of the economic man, scrutinizes every move he makes” (Grampp, 1948, p. 317; see also Ashraf, Camerer, & Loewenstein, 2005). This impartial spectator, then, is both a source of informal sanctions and censure, as well as a guide for appropriately moral behavior.

We cannot leave a discussion of the Enlightenment foundation of criminological theories of choice without noting the influence of Jeremy Bentham (Paternoster, 2010). It is, after all, in Bentham’s *Introduction to the Principles of Morals and Legislation* ([1789] 1988) where the idea of utility as the net sum of positive and negative consequences of behavior was first proposed. In the very first paragraph of *Introduction to the Principles*,

Bentham ([1789] 1988) argued that human behavior is directed by the twin goals of the attainment of pleasure and the avoidance of pain:

Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do. The “masters” of pleasure and pain operate through the principle of utility—actions that bring pleasure provide utility, and those that bring pain provide disutility. The happiness of the individual is maximized when the sum total of their actions brings them more utility than disutility, and the self-interested individual is presumed to behave in such a way as to maximize his individual utility. (p. 4)

The utility of an action for an individual is thus the net difference between the costs and the benefits of that action. This leads to a basic rational choice principle (and *primum principium* for routine activities theory) that among alternative courses of action, the individual will choose that action which has the greater sum of benefits over costs. The parameters of what would blossom into a rational choice theory of crime can be found across other chapters of the *Introduction* Bentham ([1789] 1988). In Chapter 3, for example, he broadens the costs of crime from Beccaria’s work to include physical, political, moral/popular, and religious sources, thus anticipating both the importance of informal sanctions in criminological theory and also the important role played by moral inhibitions and the intrinsic pleasures brought about by offending itself, anticipating the “sensual” nature of crime (Katz, 1988). In Chapter 6, Bentham was aware of the fact that in order to inhibit offending, not only must the costs and rewards of crime be perceived very broadly but that the important determinants of utility are the costs and rewards that are perceived by the actor:

[p]ain and pleasure are *produced in men’s minds* by the action of certain causes ... [b]ut the quantity of pleasure and pain runs not uniformly in proportion to the cause; in other words, to the quantity of force exerted by such cause. (p. 43, emphasis added)¹⁸

So, while Bentham acknowledged an indebtedness to Beccaria, his own work was more than sufficiently original to have laid the foundation for not only an expanded deterrence theory that would include informal as well as formal sanctions, but also other costs and an extensive list of the possible benefits from criminal offending, including the social, financial, and emotional.

Although the Enlightenment had a powerful influence on thinking regarding the purpose and nature of criminal law and penal reform, it really had no developed theory of criminal behavior. As such, from approximately the 1800s, with the introduction of the medical profession into the study of crime (Rafter, 2004b), until the mid-1960s, choice-based theories waned in popularity and influence. The scientific revolution had generated interest not only in the natural world but in the social world as well, and any valid theory of human behavior had to be based on the scientific method not on moral or legal philosophy. Theories of criminal behavior abounded—based on the biological, environmental/sociological, or psychological difference between criminals and non-offenders. However, interest in the principles of the classical school such as deterrence, and an assumption of the rational self-interest of actors both criminal and conventional were revived by the mid-1960s and flourished thereafter. Although the foundation of these later choice-based theories like deterrence, rational choice, and routine activities theories lay in the Enlightenment philosophies we have examined above, what were its more proximate intellectual influences?

Interest in Classical School Theories Rekindled

Beginning in the 1960s there was an awakening in the social sciences of interest in many of the themes by the empiricist and materialist philosophies of the Enlightenment, an awakening felt almost simultaneously in sociology, political science, psychology, and economics. It is probably not far off for us to suggest that it was theoretical developments in sociology and economics that were most influential in the eventual emergence of rational choice, deterrence, and routine activities theories in criminology. In sociology, the work of exchange theorists like George Homans and Peter Blau adopted Rationalist philosophies of social behavior as did economists like Gary Becker and Richard Posner. Homans (1961), Blau (1964), and the work of the Chicago School of Economics (Becker, 1968) were particularly important for the re-emergence of classical criminological theory.

Over his career, Homans was particularly interested in understanding behavior that emerged from the interactions between individuals. The beginnings of a rational choice theory of social interaction can clearly be seen in his five behavioral propositions (1961, pp. 53–75): (1) behavior that nets reward or gain is likely to be repeated; (2) behavior that was rewarded in the past is likely to occur in new situations that are similar; (3) the more gain or pleasure gotten from an action, the more likely that action will be repeated; (4) the more frequently a person receives a given reward for any given behavior; the less valuable that reward will become; and (5) when the anticipated gains from a social exchange do not meet expectations; there will be an emotional response.¹⁹ In short, interactions between individuals are based upon their “profit-seeking implications” (Homans, 1958, pp. 601, 606)—they behave rationally by getting the most reward from an interaction with the lowest cost:

Persons that give much to others try to get much from them, and persons that get much from others are under pressure to give much to them. This process of influences tends to work out at equilibrium to a balance in the exchanges. For a person engaged in exchange, what he gives may be a cost to him, just as what he gets may be a reward, and his behavior changes less as profit, that is reward less cost, tends to a maximum ... [o]f all the many “approaches” to social behavior, the one that sees it as an economy is the most neglected, and yet it is the one we use every moment of our lives ...

Human motivation, then, is based upon self-interest and the self-interested pursuit of the best possible outcome from one’s previous and repeated actions.

No less than Homans, Blau had a keen interest in non-economic micro-exchange relationships. Also like Homans, Blau held that interactions between individuals are shaped by the mutual exchange of rewards and costs, and social exchanges were argued to be based upon considerations of cost, benefit, and net profit (Blau, 1964). Much as rational choice theorists in both sociology and criminology would claim, the foundation of action is that the actor desires to obtain some goal, actions that are goal-directed come with costs (time, energy, financial, lost opportunities), and the actor weighs up alternative courses of action in terms of the economization of outcomes (ensuring profit or that the costs of actions are less than the gains). These simpler exchange relationships between individuals in micro-structures in turn lead to more complex processes at the group and organizational level or macrostructures (perhaps Blau’s most important work). Much like Bentham almost two hundred years prior, Blau listed numerous possible gains and costs of actions, gains, and costs that rational choice theorists today have incorporated into their theoretical models. According to Blau (1964), the rewards for an action can consist of: social acceptance,

personal attraction, compliance/power, respect, desired services, or social approval, while costs include lost opportunities, the time and effort required to develop the skills/attributes that will be rewarding to others, and more direct costs such as penalties and loss of income.

At around the same time that Homans and Blau were discovering in sociology the role that neo-classical economics could play in explaining social behavior generally, the University of Chicago economist Gary Becker was directly laying the foundation for a revival of deterrence and rational choice theory in criminology (and, by extension, routine activities theory).²⁰ Becker's (1968, p. 170) seminal paper, "Crime and Punishment: An Economic Approach," contained both a criticism of past and existing criminological theory and a comprehensive economic model of crime premised on rational choice principles: "A useful theory of criminal behavior can dispense with special theories of anomie, psychological inadequacies, or inheritance of special traits, and simply extend the economist's usual analysis of choice." Becker presented, then, the basic framework of a rational choice theory of crime wherein offenders are no different from non-offenders, in fact, they are similar in terms of their desire to maximize the profitability of their behavior subject to gains and costs. Becker (1968) was also quite clear as to the inspiration/origins of his economic theory of crime:

Lest the reader be repelled by the apparent novelty of an "economic" framework for illegal behavior, let him [*sic*] recall that two important contributors to criminology during the eighteenth and nineteenth centuries, Beccaria and Bentham, explicitly applied an economic calculus. Unfortunately, such an approach has lost favor during the last hundred years, and my efforts can be viewed as a resurrection, modernization, and thereby I hope improvement on these much earlier pioneering studies. (p. 209)

In his economic model of crime, Becker presented an equation describing a would-be offender's decision making calculus:

$$EU = pU(Y - f) + (1 - p)U(Y)$$

where, p is the offender's probability of being detected should she commit a crime, f is the severity of the sanction if apprehended, and Y is the gains from the successful completion of the crime without apprehension. The would-be offender's utility, then, is described as a weighted (by the probability) function of the costs and benefits of the crime, and as is common ground for deterrence, rational choice, and routine activities theory, the offender is understood to be one who intentionally chooses crimes based on a rational calculation.²¹ That Becker's model is more than a mere deterrence theory of crime can be seen in the final term, according to which crime will rise with increases in Y , the gains to be derived from offending. While deterrence scholars and researchers have focused on the anticipated certainty and severity of sanctions, it was rational choice and routine activity theorists who were to exploit the prediction that the anticipated benefits of crime were an important element in an offender's calculus. Further, it was rational choice theorists who were to expand upon the possible sources of criminal gains such as the illicit emotional gains of offending, the net benefit derived from the legal and illegal returns of crime. Becker's model is, therefore, consistent with hypothesized changes in the certainty and severity of formal legal punishment, but also with changes in such things as better legal employment, target hardening, and the presence of guardians, all of which are directly captured by one of the terms in the offender's calculus.

Part of the University of Chicago's heritage in neo-classical economics, particularly as it applies to the subfield of law and economics, was the work of Richard Posner.²² Posner's interest was not so much in theories of crime as it was in an economic understanding of the criminal law and legal system. Posner (1985), however, openly acknowledged the debt he owed to Beccaria and Bentham, as well as Becker:

[t]he economic analysis of criminal law began on a very high plane in the eighteenth and early nineteenth centuries with the work of Beccaria and Bentham, but its revival in modern times dates only from 1968, when Gary Becker's article on the economics of crime and punishment appeared. (p. 1193)

It might not be too much of an exaggeration to say that while Becker offered a revitalization and modernization of Bentham's utility calculus, Posner provided much more of a revitalization of Beccaria's desire to make the administration of criminal justice more efficient. Recall Beccaria's Enlightenment-influenced criticism of the administration of the criminal and penal law expressed in the *Essays*. In language that could have easily come from Voltaire in his 1762 criticism of the treatment of the Calas family²³ (Voltaire, [1762] 2000), Beccaria's screech in the *Essay* against secret accusations, torture, uncertain and excessive punishments, religious prejudice, and vague laws was foremost an argument against the inefficiency of the current legal regimes. Beccaria's effort can be seen as an attempt to impose economic rationality and efficiency on a legal and penal system that was barbaric, cruel, and grossly illogical. At a much more general level, Posner's work is an effort to bring economic rationality to the study of contemporary law, legal systems, and legal actors (Posner was one of the founders of the Law and Economics movement and its journal). For instance, Posner is highly critical of the U.S. "War on Drugs," especially the attempt to curtail marijuana use through the criminal law and legal sanctions because of its gross inefficiencies (Posner, 2005). In one of his earlier writings, Posner (1985, p. 1194) takes a quintessentially Beccarian position with respect to the importance of using economic analyses to reform the law: "the substantive doctrines of the criminal law, as of the common law in general, can be given an economic meaning and can indeed be shown to promote efficiency." Clearly, then, there can be little doubt that the revitalization of rational choice principles in sociology and economics (as well as psychology) in the 1960s was both an echo of Enlightenment philosophy and the immediate foundation for modern deterrence and rational choice theory.

Special (But Brief) Notes on Routine Activities Theory

Much of what has been said about the philosophical and historical origins of deterrence and rational choice theory applies also to routine activities theory. We presume that all of these theories can be categorized as "choice-based" theories because they all assume that offending is based on a conscious choice based upon the rational consideration of costs and benefits. In fact, we take rational choice theory to be the most general of the three theories with deterrence and routine activities as special cases. Routine activities theory is very much historically anchored in the work of the Enlightenment Sensationalist psychologists of Hume, Locke, and Helvétius in assuming that knowledge and action are based upon the sensations directly impinging on the person. In routine activities theory, those sensations (and the source of costs and benefits of action) come from such things as how well/poorly

the target is hardened, and the presence of guardians willing and able to thwart the offense. Like deterrence and rational choice, routine activities theory assumes rather than explains a motivated offender—offenders are motivated by self-interest or passion which must be channeled by reason (an assessment of the target and guardians). Routine activities theory, then, has an essential formulation of a passion sourced in the temptations provided by the crime environment (target and guardians) and action involves the struggle between temptation and inhibition. We also think that routine activities theory bears a conceptual similarity to the cartographic school of crime in the early to late 1830s–1880s, not just in France but in England as well. The similarity between the work of Guerry, Quetelet, and Mayhew, who implicated the fact that environmental conditions result in variations in the temptation to crime, and routine activities theory seems fairly clear—young males living in poor environments are at greatest risk of offending.²⁴

Conclusion

In this chapter we have traced the philosophical origin of what we have called “choice-based” theories of crime, deterrence, rational choice, and routine activities theories. These current criminological theories eventually grew out of Enlightenment philosophers such as Hume, Locke, Helvétius, Hutcheson, Voltaire, Montesquieu, Diderot, and others. These philosophers, though different in subtleties, shared an Associationist and Sensationalist psychology as well as a profound distaste for existing legal and penal institutions that were backed by the power (and intolerance) of the monarchy and the Church. Though once prominent, these philosophies were eclipsed by scientific advances and an intellectual current based more on the scientific method and natural science than moral philosophy. Although the positive schools of criminology dominated the field for a long stretch, a revitalization and reawakening of interest in the classical principles of the Enlightenment philosophers occurred in the early to mid-1960s in a number of social sciences. The philosophical history of choice-based theories in criminology is very deep and rich, but unfortunately little read and, for the most part, still untapped today. Perhaps in some small way, this chapter can begin to correct this.

Notes

- 1 Little known fact: there is a Beccaria Township in Clearfield County, Pennsylvania (the central part of the state), named after the Italian thinker. Bordering on the west of Clearfield County is Jefferson County, home of Punxsutawney Phil, and on the east is Centre County, home of Penn State University.
- 2 Beccaria was of course the predecessor of Bentham, and the latter appeared to have been both charmed and influenced by Beccaria. At one point, Bentham referred to Beccaria in the following terms:

Oh, my master, first evangelist of reason, you who have raised your Italy so far above England, and I would add above France, were it not that Helvétius, without writing on the subject of laws, had already assisted you and had provided you with your fundamental ideas . . . you who have made so many useful excursions into the path of utility, what is there left for us to do?—Never to turn aside from that path. (cited in Maestro, 1973, p. 131)

In terms of being influenced by Beccaria, Bentham leaves little doubt:

It was from Beccaria's little treatise on crimes and punishments that I drew as I will remember the first hint of the principle by which the precision and clearness and incontestableness of mathematical calculations are introduced for the first time into the field of morals. (cited in Hart, 1982, p. 40)

Bentham's reference to the fact that Beccaria's work in criminal law and penal reform was influenced by the French Enlightenment philosopher Claude Helvétius is a point about the originality of Beccaria's thought that we will address shortly.

- 3 The Enlightenment and the influence of Enlightenment thought (moral and political philosophy) were prevalent in Europe (particularly in France and Italy), but much less so in England. English law and penal policy were only somewhat less cruel and arbitrary than that on the continent, but because of its strong parliamentary government and the Church of England, it was much less affected by royal power and the Inquisition of the Roman Catholic Church. Both Voltaire and Diderot were great admirers of British and English liberalism (see, for example, Voltaire's (1734) *Letters on England*).
- 4 For example, not all of the French Enlightenment philosophers were atheists (Helvétius was, Rousseau was not), not all were in favor of a Republican or democratic government (Voltaire favored an enlightened monarchy), not all believed in the inevitable progress of civilization or that civilization brought an improvement in the lives of humans (Rousseau). Further, while they argued for its restricted use, Rousseau, Diderot, Montesquieu, and Voltaire were not opposed to the death penalty.
- 5 These positions on the nature of crime and the basis for royal and religious power did come at great risks for those offering these arguments. Beccaria, at the time of writing his *Essay*, was aware of the imprisonment of the Italian historian Giannone for presenting these positions (Jenkins, 1984). While some have claimed that he embodied the "revolutionary enthusiasm of an enlightened zealot" (Manzoni, 1964, p. xii), Jenkins (1984) instead proposes that Beccaria "wished to defend humanity without becoming a martyr" (p. 117), which can be evidenced in his "To the Reader" Prologue accompanying the second edition of his *Essay*.
- 6 A little bit of history is informative here. Beccaria was of course not the first or only Italian Enlightenment thinker railing against the excessive and barbaric powers of the Church and state (Venturi, 1971, 1972). As early as 1744, Girolamo Tartarotti was questioning religious superstitions around witchcraft with reason (how could witches fly?) and sought a social explanation (accused witches were generally poor women from rural villages not rich women from cities). Lodovico Muratori similarly sought a rational (psychological) explanation of witchcraft and magic (Venturi, 1972). In the 1750s, Paolo Frisi (who was to send Beccaria's *Essay* to the French Encyclopedist D'Alembert) and the Marquis Scipione Maffei also used rational argument to debunk the existence of witches and magic (Venturi, 1972). Finally, a year before Beccaria finished his *Essay*, Pietro Verri published his essay "Meditations on Happiness," and argued that the purpose of any civil government was to promote the well-being and happiness of its all its members—a prominent theme in Beccaria's own essay (Ricciardi & Santoni de Sio, 1994).
- 7 Beccaria was also greatly influenced by Montesquieu's *Persian Letters* (1721), an epistolary novel about two Persian noblemen traveling through France whose letters home to their wives, servants and friends illustrate the frivolity, conceit, and foolishness of many French institutions, including the nobility, the king, and Church officials.
- 8 It is, of course, entirely possible that Beccaria's notion that pleasure and pain are the metrics of moral action was appropriated from his colleague in the *L'Accademia dei pugni*, Pietro Verri. In Verri's essay published in 1763, "Reflections on Happiness," he wrote:

The end of the [social] pact is the well-being of each of the individuals who join together to form a society, who do so in order that this well-being becomes absorbed into the public happiness or rather the greatest possible happiness distributed with the greatest equality possible. (Harcourt, 2014, p. 45)

- 9 Others we would have to include would be Montesquieu, Diderot, Voltaire, Condillac, and Rousseau.
- 10 Beccaria's use of the phrase "cement" to explain the temporal connection of sensations for cause and effect must have been influenced by Hume's own description of causation in *An Abstract of A Treatise of Human Nature* (1740, p. 43?):

Causation; when we think of the son, we are apt to carry our attention to the father. It will be easy to conceive of what vast consequence these principles must be in the science of human nature, if we consider that, so far as regards the mind, these are the only links that bind the parts of the universe together, or connect us with any person or object exterior to ourselves. For as it is by means of thought only that anything operates upon our passions, and as these are the only ties of our thoughts, they are really to us the cement of the universe, and all the operations of the mind must, in a great measure, depend on them.

- 11 It is not often known that Beccaria held a chair of economics (public economy and commerce) in the Palatine School in Milan, in addition to serving on the Supreme Economic Council of Milan.
- 12 A copy of the paper is available online at: <http://www.law-lib.utoronto.ca/bclcl/crimweb/foundation/Beccaria%20smuggling%20small.pdf>.
- 13 The equation is:

$$x + tx/u = u$$

where u is the value of merchandise being smuggled, x is the minimum amount of merchandise that would need to be profitable for the smuggler (unknown), and t/u is the tax rate.

- 14 *The Theory of Moral Sentiments* (1759) was published before *The Wealth of Nations* (1776).
- 15 Smith was one of the key thinkers of the Scottish Enlightenment, along with David Hume, Adam Ferguson, James Hutton, and others.
- 16 For a more comprehensive explanation of this point, see Ashraf, Camerer and Loewenstein (2005).
- 17 Broader than what would become the neo-classical economic views of Samuelson (1938), Stigler (1971), and Becker and Posner (2009).
- 18 Even after the re-emergence of deterrence theory in the mid to late-1960s, it took time for criminologists to come to the realization that it was a perceptual theory of sanction threat communication.
- 19 Homans was, of course, also heavily influenced by the work of behavioral psychologist, B. F. Skinner (*Science and Human Behavior*, 1953), who also had an impact on criminology's choice-based theories, most notably social learning theory.
- 20 It cannot go without mentioning also the contribution of Chicago economist Ronald Coase's landmark 1960 paper in the *Journal of Law and Economics*, "The Problem of Social Cost."
- 21 Becker's model does not include the celerity or swiftness of punishment, though economists have subsequently argued for the primacy of time preferences in recent work (Lee & McCrary, 2009).
- 22 Beginning in 2004 until just before Becker's death in 2014, Posner and Becker co-wrote a blog discussing general economic and law and economic issues.
- 23 On October 13, 1761, the eldest son of the Huguenot Jean Calas, Marc Antoine, was found hanged to death in his father's textile shop in Toulouse, France. Catholic anti-Huguenot prejudice and hostility were rampant in Southern France at the time, and word spread in the city that Jean had killed his son to prevent him from converting to Catholicism. Jean was arrested, tortured, then strangled to death and his body burned to ashes. Voltaire took up the cause of the

Calas family, criticizing the Catholic authorities for their religious bigotry, and the cruelty and secrecy of the laws that led to Jean's conviction and death. In no small measure because of the campaign authored by Voltaire, French authorities appointed a 50-judge panel to review the case. They reversed Jean Calas' conviction in March of 1765 and the family was given an indemnity.

- 24 Of course, it could easily be argued that perhaps the most proximate source of intellectual inspiration for routine activities theory is the "lifestyle" theory of victimization. That is certainly one view of history, but we think that lifestyle theory and routine activities theory are essentially the same theory that emerged at the same time that simply explains different outcomes; lifestyle theory explains criminal victimization and routine activities theory explains criminal offending. One of the first statements of lifestyle theory by Hindelang, Gottfredson and Garofalo (1978, p. 241) makes this connection clear by defining one's lifestyle as: "routine daily activities, both vocational activities (work, school keeping house, etc.) and Leisure activities." In other words, one's lifestyle consists of one's routine activities.

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