

## Classical Theory

- Classical theory was a response to the the unpredictability of punishment in the middle ages, and drew a distinction between criminal offence and those against morality
- Following Political revolution of the French revolution (1789-1799), American war of Independence (1775-1783).
- Classicism is underpinned by the assumption of **free will** and **rational choice**.
- Reflecting this it was proposed that there needed to be **greater certainty** in sentencing and the **proportionate infliction of pain** on the offender, in order to deter rational actors from making the decision to commit a crime.
- As proposed by Cesare Beccaria (1738-1794) the exercise of this free is guided by self-interest, and as reflected in rational choice theory, offenders make criminal decisions in their best interests, which occurs when the anticipated gains outweigh the costs.
- Based on this, individuals' break the law in order to gain, excitement, money, sex or something else they value, and thus as suggested by Jeremy Bentham the pain (punishment) should outweigh this 'objective' pleasure.
- The second limb of classicism was that **deterrence** should be the main aim of punishment, in order to foster rational self-interest which leads to compliance rather than opposition to the law.

## Comparing Classicism with Positivism

	CLASSICISM	POSITIVISM
Object of study	<b>The offence</b> <ul style="list-style-type: none"><li>▪ the focus is on the offence, to what extent is this particular offence is appealing to people</li><li>▪ once we determine its attractiveness we can then determine how much deterrence is necessary in the ofrm of punishment to induce the vast</li></ul>	<b>The offender</b> <ul style="list-style-type: none"><li>▪ we focus on the offender and offenders characteristics</li></ul>

	majority of the population to desist from that behaviour based on rational analysis	
<b>Nature of the offender</b>	<p><b>&gt; Free wiled</b></p> <ul style="list-style-type: none"> <li>the nature of the offender in classicism is anybody, people have free will are calculating</li> </ul> <p><b>&gt; Rational, calculating</b></p> <p><b>&gt; Normal</b></p>	<p><b>&gt;Determined</b></p> <p><b>&gt;Driven by biological physiological or other influences</b></p> <ul style="list-style-type: none"> <li>the offence they engage in is largely unpredictable (you may be able to identify a category of offence like violence, but how it will manifest itself is largely unpredictable bc it ultimately determines on a whole bunch of conditions)</li> </ul> <p><b>&gt;Pathological</b></p> <ul style="list-style-type: none"> <li>the offender is seen as being pathological (something is wrong with them). If what is wrong with them is identified, they can be treated</li> </ul>
<b>Response to crime</b>	<p><b>&gt; Punishment</b></p> <p><b>&gt; Proportionate to the offence</b></p>	<p><b>&gt; Treatment</b></p> <p><b>&gt; Indeterminate, depending on individual's circumstances</b></p>