
**DETERRENCE THEORY**

Proponents of deterrence believe that people choose to obey or violate the law after calculating the gains and consequences of their actions. Overall, however, it is difficult to prove the effectiveness of deterrence since only those offenders not deterred come to the notice of law enforcement. Thus, we may never know why others do not offend.

**GENERAL AND SPECIFIC DETERRENCE**

There are two basic types of deterrence—general and specific. General deterrence is designed to prevent crime in the general population. Thus, the state’s punishment of offenders serves as an example for others in the general population who have not yet participated in criminal events. It is meant to make them aware of the horrors of official sanctions in order to put them off committing crimes. Examples include the application of the death penalty and the use of corporal punishment.

Since general deterrence is designed to deter those who witness the infliction of pains upon the convicted from committing crimes themselves, corporal punishment was traditionally, and in some places is still, carried out in public so that others can witness the pain. Although outlawed in the United States, public punishment is still used in other countries. For instance, in August 2001, Nigeria introduced shari’a, or Islamic law, that allows the application of corporal punishment. That same month, Iran sentenced 20 people to be caned for consuming alcohol. In November 2001, Saudi Arabia lashed 55 youths for harassing women. Likewise, Human Rights Watch reports that under Saddam Hussein’s regime in Iraq, those who violated military orders or committed other crimes could be punished by amputation of arms, legs, and ears. Finally, in England and the United States, hangings were once carried out in public. The public and family members were allowed to attend so that they could see what happened to those who broke the law. Today, some advocates call for televised executions as a way of deterring murder.

**Legal Cases**

Specific deterrence is designed—by the nature of the proscribed sanctions—to deter only the individual offender from committing that crime in the future. Proponents of specific deterrence also believe that punishing offenders severely will make them unwilling to reoffend in the future. A drunk driver, for example, would be deterred from drinking and driving because of the unpleasant experience he or she suffered from being arrested, or having his or her license taken away or his or her car impounded. The state must apply enough pain to offset the amount of pleasure derived from drinking.

EARLY CLASSICAL PHILOSOPHERS OF DETERRENCE THEORY

The deterrence theory of punishment can be traced to the early works of classical philosophers such as Thomas Hobbes (1588–1678), Cesare Beccaria (1738–1794), and Jeremy Bentham (1748–1832). Together, these theorists protested against the legal policies that had dominated European thought for more than a thousand years, and against the spiritualistic explanations of crime on which they were founded. In addition, these social contract thinkers provided the foundation for modern deterrence theory in criminology.

Thomas Hobbes

In *Leviathan*, published in 1651, Hobbes described men as neither good nor bad. Unlike religious philosopher Thomas Aquinas, who insisted that people naturally do good rather than evil, Hobbes assumed that men are creatures of their own volition who want certain things and who fight when their desires are in conflict. In the Hobbesian view, people generally pursue their self-interests, such as material gain, personal safety, and social reputation, and make enemies without caring if they harm others in the process. Since people are determined to achieve their self-interests, the result is often conflict and resistance without a fitting government to maintain safety.

Hobbes also pointed out that humans are rational enough to realize that the self-interested nature of people would lead to crime and inevitable conflict due to the alienation and exclusion of some members of society. To avoid this, people agree to give up their own egocentricity as long as everyone does the same thing approximately. This is what Hobbes termed the social contract. To avoid war, conflict, and crime, people enter into a social contract with the government so that it will protect them from human predicaments. The role of the state is to enforce the social contract. Hobbes indicated that if one agrees to the social contract, that individual authorizes the sovereign to use force to uphold the social contract. But crimes may still occur even if after governments perform their duties. In this case, Hobbes argued that the punishment for crime must be greater than the benefit that comes from committing the crime. Deterrence is the reason individuals are punished for violating the social contract, and it serves to maintain the agreement between the state and the people in the form of a workable social contract.

Cesare Beccaria

Building on the ideals of the social contract philosophers, in 1764, Cesare Bonesana, Marchese Beccaria, published his treatise, *Dei Delitti e delle Pene* (*On Crimes and Punishments*), in which he challenged the rights of the state to punish crimes. He followed Hobbes and other 18th-century Enlightenment writers that laws should be judged by their propensity to afford the “greatest happiness shared by the greatest number” (Beccaria, 1963, p. 8). Since people are rationally self-interested, they will not commit crimes if the costs of committing crimes prevail over the benefits of engaging in undesirable acts. If the sole purpose of punishment is to prevent crime in society, Beccaria (1963) argued, “punishments are unjust when their severity exceeds what is necessary to achieve deterrence” (p. 14). Excessive severity will not reduce crime, in other words, it will only increase crime. In Beccaria’s view, swift and certain punishment are the best means of preventing and controlling crime; punishment for any other reason is capricious, superfluous, and repressive.

Beccaria and the classical theorists believed that humans are rational beings with free will to govern
their own decisions. Indeed, he emphasized that laws should be published so that people may know what they represent—their intent, as well as their purpose. Basing the legitimacy of criminal sanctions on the social contract, Beccaria (1963) called laws “the conditions under which men, naturally independent, united themselves in society” (p. 11). He was against torture and secret accusations, and demanded they be abolished. Furthermore, he rejected the use of capital punishment and suggested that it be replaced by imprisonment.

According to Beccaria, jails should be more humane and the law should not distinguish between the rich and the poor. Judges should determine guilt and the application of the law, rather than the spirit of the law. Legislators should pass laws that define crimes and they must provide specific punishments for each crime. To have a deterrent value, punishment must be proportionate to the crime committed. Finally, Beccaria argued that the seriousness of crimes should be based on the extent of harm done to society. As an advocate of the pleasure-pain principle or hedonistic calculus, Beccaria maintained that pleasure and pain are the motives of rational people and that to prevent crime, the pain of punishment must outweigh the pleasure received from committing crime.

**Jeremy Bentham**

Jeremy Bentham, a contemporary of Beccaria, was one of the most prominent 18th-century intellectuals on crime. In 1780, he published *An Introduction to the Principles of Morals and Legislation*, whereby he proclaimed his famous principle of utility. He argued that “nature has placed mankind under the governance of two sovereign masters, pain and pleasure” (Bentham, 1948, p. 125). Bentham believed that morality is that which promotes “the greatest happiness of the greatest number” (Moyer, 2001, p. 26) a phrase that was also common to Beccaria. The duty of the state in Bentham’s view was “to promote the happiness of the society, by punishing and rewarding” (Bentham, 1948, p. 189).

Like Beccaria in Italy, Bentham was troubled by the arbitrary imposition of punishment and the barbarities found in the criminal codes of his time in England. Noting that all punishment is mischief, he maintained, also, that all penalties, per se, are evil unless punishment is used to avert greater evil, or to control the action of offenders. In short, the object of the law is to widen the happiness of the people by increasing the pleasure and lessening the pain of the community. Punishment, in excess of what is essential to deter people from violating the law, is unjustified.

**SEVERITY, CERTAINTY, AND CELERITY OF PUNISHMENT**

The theory of deterrence that has developed from the work of Hobbes, Beccaria, and Bentham relies on three individual components: severity, certainty, and celerity. The more severe a punishment, it is thought, the more likely that a rationally calculating human being will desist from criminal acts. To prevent crime, therefore, criminal law must emphasize penalties to encourage citizens to obey the law. Punishment that is too severe is unjust, and punishment that is not severe enough will not deter criminals from committing crimes.

Certainty of punishment simply means making sure that punishment takes place whenever a criminal act is committed. Classical theorists such as Beccaria believe that if individuals know that their undesirable acts will be punished, they will refrain from offending in the future. Moreover, their punishment must be swift in order to deter crime. The closer the application of punishment is to the commission of the offense, the greater the likelihood that offenders will realize that crime does not pay.

In short, deterrence theorists believe that if punishment is severe, certain, and swift, a rational person will measure the gains and losses before engaging in crime and will be deterred from violating the law if the loss is greater than the gain. Classical philosophers thought that certainty is more effective in preventing crimes than the severity of punishment. They rejected torture as a means of eliciting confessions, and the death penalty as an effective method for punishing murderers and perpetrators of other serious crimes. Capital punishment is beyond the just powers of the state.
MODERN DETERRENCE RESEARCH IN CRIMINOLOGY

The deterrence hypothesis remains a key intellectual foundation for Western criminal law and criminal justice systems. Today, the idea that sanctions deter criminals has influenced penal sanctions in death penalty cases and other areas of criminal sentencing. Adherents of the deterrence theory have consistently favored policies such as “three strikes” laws, establishment of more prisons, increased penalties, longer sentencing severity, certainty of conviction and sentencing, and the hiring of more police officers. Together, these policies would control and reduce the recidivism (a return to the life of crime) of offenders who have been convicted, and curtail the participation in crime by future offenders.

Yet, despite the merits of the deterrence argument, and until 1968 when criminologists started again to test the deterrence hypothesis, empirical measurement of the theory have been scant. Prior to the 1960s, studies focused only on the philosophical ideas of the deterrence doctrine, its humanitarian orientation, and its implications for punishment. One popular research endeavor that actually tested the deterrence theory in 1968 concluded that homicide might be deterred by both certainty and severity of punishment. In research conducted in 1969, criminologist Charles Tittle found support for the theory and concluded that the certainty of imprisonment deters crime but that severity can only deter crime when certainty of punishment is reasonably guaranteed. Other studies in the 1970s have also challenged the validity of the earlier empirical findings, arguing instead that variations in police record keeping could account for the results on certainty.

When it comes to celerity of punishment, prior and current studies have generally avoided its inclusion in deterrence measurement. Most important, much of the empirical analysis of the deterrence value has been focused on whether capital punishment deters potential offenders from engaging in homicide acts. Collectively, the empirical results of the death penalty studies have concluded that the death penalty does not deter murder.

CONCLUSION

Because criminal justice policies are sometimes based on the foundations of the deterrence doctrine, debates on the deterrence effect of punishment continue to be waged in criminological research. Programs such as boot camps for teenage offenders and “scared straight” programs continue to rely on the deterrence theory. Across the nation, “get tough” policies are based as well on the actual and threatened incarceration of offenders. In their efforts to have more empirical support, criminologists today are working in the direction of expanding the deterrence concepts from certainty, severity, and celerity to include informal social processes of reward and moral beliefs.

Since some aspects of deterrence and rational choice theories are part of the routine activities theory, deterrence theory has been modified and expanded to include the rational choice perspectives. In summary, support for deterrence theory is much greater than it has been during the past two decades. However, research demonstrates that contemporary criminal justice policies place more emphasis on the severity of punishment than it places on certainty. Death penalty, longer imprisonments, three-strikes laws, mandatory sentencing, and a plethora of other “get tough” policies have not demonstrated greater deterrent effects of punishment than less severe penalties. Indeed, increases in the severity of punishment, rather than reduce crime, may actually increase it. On the other hand, increases in the certainty of apprehension of offenders’ conviction and punishment have been found to have possible effects on crime reduction. The current trend toward the use of death penalty in the United States contradicts Beccaria’s ideas on certainty and quick punishment.

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See also Cesare Beccaria; Jeremy Bentham; Boot Camps; Capital Punishment; Corporal Punishment; Flogging; History of Prisons; Incapacitation Theory; Just Deserts Theory; Quakers; Rehabilitation Theory; Truth in Sentencing
Further Reading


**Dilulio, John J., Jr. (1959– )**

For at least two decades, from the mid-1980s through the early years of the 21st century, political scientist John J. Dilulio, Jr., put forth a contentious body of academic research, proposals, and policy on prisons and offenders that agitated or assured both conservative and liberal critics of his work. At the beginning of the 21st century, Dilulio turned to writing about faith-based initiatives and became a national adviser on faith-based programming for President George W. Bush.

**BIOGRAPHICAL DETAILS**

Dilulio completed undergraduate work at the University of Pennsylvania and graduate work at Harvard University. His first major piece of scholarship, *Governing Prisons* (1987), was based partially on his dissertation work in political science at Harvard, where he studied the Massachusetts prison system. After graduation, Dilulio was hired at Princeton University, where he quickly developed a national reputation, initially advising liberal groups, such as the Edna McConnell Clark Foundation, which at the time provided significant funding for jail and prison crowding reduction efforts in various states. Subsequently, Dilulio drifted away from liberal groups, becoming more conservative in his politics and publications.

Currently, Dilulio is the Frederic Fox Leadership Professor at the University of Pennsylvania, a Senior Fellow at the Manhattan Institute, working with the Jeremiah Project, and a Senior Fellow at the Brookings Institute, where he cofounded the Center for Public Management. In addition, he is Senior Counsel with Public/Private Ventures, an employment and training research and practice agency located in Philadelphia.

**Governing Prisons**

Dilulio’s major study, *Governing Prisons*, explored the administration and management of high-custody prisons in California, Michigan, and Texas. In this book, where he argued that little can be achieved within prison walls without order, Dilulio advocated studying prison “not as a mini-society but as a mini-government.” As with other governments, he pointed out, prisons are subject to “a vigorous system of internal and external controls” including “judicial and legislative oversight, media scrutiny, occupational norms and standards, rigorous internal supervision and inspections, ongoing intradepartmental evaluations, and openness to outside researchers” (Dilulio, 1987, pp. 235–236) Thus, criminologists should pay particular attention to issues of management in order to understand the meaning and effect of punishment.

Dilulio followed *Governing Prisons* in the 1990s with two further books about corrections. In 1990, he...