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▼ DETERRENCE THEORY

Deterrence is the straightforward, common-sense notion that if you do something wrong, you will be punished, and the punishment itself will prevent you from doing that wrong thing again. According to this notion, fear of a future punishment dictates the actions people choose. This way of thinking is commonplace, and it underpins much—if not most—political discourse and public policy debate. Moreover, it is a mainstay of American foreign military policy, implying to potential enemies that the wrong actions they take will incur the wrath of American military might.

Deterrence also plays a very important role in criminological empirical research. Empirical research in the area of deterrence is well elaborated in modern criminology. That research seeks to determine the accuracy of assumptions about deterrence and its effectiveness. Furthermore, it examines criminal punishment policy to see how adjusting levels and types of punishment practice may alter it to lower crime. Unfortunately, the production of reliable and valid empirical knowledge is a slow and laborious process. While criminology has begun that process in the area of deterrence, it has no final, definitive conclusions for the following core questions: (1) whether, when, and how deterrence "works" on the decision-making processes of individ-

ual human beings and (2) how to implement a public policy that affects individual choices to commit or not commit criminal acts.

BUILDING A FOUNDATION FOR MODERN DETERRENCE THEORY

Three early philosophers have helped develop key ideas that lie at the foundation for modern criminological deterrence theory. They are Thomas Hobbes (1588–1679), Cesare Beccaria (1738–1794), and Jeremy Bentham (1748–1832).

Thomas Hobbes

In 1651, Thomas Hobbes wrote *Leviathan,* an influential book on human nature and its relationship to human organization and government. Like many others, Hobbes assumed that the human being is by nature competitive, distrustful, and engaged in an endless search for his or her own personal glory. This account of the human individual leads to the famous Hobbesian question: How can social order possibly exist? In addition, how, when humans gather together, can war or conflict be avoided? Finally, how can people avoid lives that are "solitary, poor, nasty, brutish, and short?" Somehow, though, citizens in some modern, developed countries do avoid this condition; they do so by establishing a social contract. This contract serves to help constrain those potentially disastrous natural characteristics for the good of all but also for individual good. People sacrifice some of the free reign that they might allow their individual natures in the interest of saving themselves; they do so by voluntarily joining in the social contract. Two important aspects of this social contract are the rules with which each person must abide and the punishments for violating those rules. In Hobbes's view, deterrence is simply the reason why one human being or group of human beings in a social contract punishes another, to save and keep the social contract viable and healthy.

Cesare Beccaria

Beccaria's *Crimes and Punishments,* first published in 1764, helped set in motion a change toward more humane punishment practices. This change was a slow evolution that finally took effect in most civilized societies by roughly the middle of the nineteenth century. Prior to that time, extreme and brutal physical punishments—even for the most minor of crimes—were the

standard. Beccaria elaborated two very important aspects of punishment, proportionate punishment and the intended objects of punishment. "The object . . . of punishment is simply to prevent the criminal from injuring anew his fellow-citizens, and to deter others from committing similar injuries; and those punishments and that method of inflicting them should be preferred which, duly proportioned to the offence, will produce a more efficacious and lasting impression on the minds of men and inflict the least torture on the body of the criminal" (Beccaria 1880: 165–166).

The first idea—proportionate punishment—was, at the time Becarria wrote, quite radical and controversial. Becarria emphasized that the type of punishment should be calibrated to the type of offense; stealing a loaf of bread should not warrant capital punishment. Earlier, punishment had been anything but proportionate. By 1760 in England, for instance, there existed 160 capital crimes—those requiring death as the punishment. By 1819, that number had increased to 223 acts punishable by death. The work of Becarria and others helped bring about the humane reform of punishment by encouraging the application of rational criteria in the application of punishment. Foucault labeled this newly emerging period the Age of Sobriety, in which the object of punishment was no longer the body of the accused but, instead, the soul (Foucault 1979: 7–16). The Age of Sobriety replaced the punishment-as-spectacle period, during which the punishment and mutilation of the physical body of the offender, especially in the presence of the general public, was commonplace. (See, for instance, the disturbing account of a 1757 French execution in Foucault 1979: 3–6.)

Beccaria's second idea regarding the intended objects of the punishment is fundamental to modern criminological sciences. In the parlance of modern criminology, the term *specific deterrence* denotes that effect of punishment acting upon the individual who originally committed the offense. If a punishment specifically deters, it prevents that wrongdoer from repeating the offense. The term *general deterrence* designates the punishment's effect upon the general public. If that public sees or hears of the punishment rendered for misbehavior, this knowledge will deter other citizens from committing the similar offenses.

Jeremy Bentham

A third important contributor to modern thinking about deterrence is Jeremy Bentham. Bentham along with his English contemporary John Stuart Mill (1806–1873) founded the commonsense philosophy known as utilitarianism. Utilitarianism is the English response to a general class of normative moral theories known as consequentialism, which suggests that an action is morally right if the consequences of that action are more favorable than not favorable. While consequentialism can provide moral justification for many forms of atrocious behavior, including slavery and torture, Bentham and Mill's utilitarianism fit much better with common moral intuitions about such heinous behavior. Bentham elaborates his utilitarian perspective on punishment in his treatise, Introduction to the *Principle of Morals and Legislation,* which contains many ideas fundamental to the deterrence discourse. In his discussion of the "lot of punishment," Bentham elaborates three aspects of punishment currently thought to have an important impact upon the degree of deterrence from further mischief: severity, celerity (speed), and certainty (Bentham 1970: 189–203). In Bentham's view, those most deterrent punishments are those (a) having a level of severity comparable to—no more, no less—the seriousness of the act and (b) those executed quickly and with certainty.

MODERN CRIMINOLOGICAL DETERRENCE THEORY

In criminology, the commonsense notion of deterrence has been expanded, elaborated, and organized into a theoretical perspective for guiding empirical research. Out of this theoretical perspective arise several questions suitable for empirical research. Does increased punishment lessen the likelihood of misbehavior? Does more speedy punishment prevent misbehavior better than slower punishment? Does certain punishment prevent misbehavior better than erratic, hit-and-miss punishment? These are the kinds of question investigated in modern criminological deterrence research.

The main concepts and assumptions of deterrence theory are those of the classical school of criminology. This influential school bases much of its foundation on the work of Cesare Beccaria and Jeremy Bentham. The classical school in one variant or continues to play a vital role in criminological theory and research. Its adherents conceive of the human being as rational, a free being who is able to review, evaluate, and choose from among his or her behavioral options (Vold, Bernard, and Snipes 1998: 14–26). Among the options facing the rational human being living under a social

contract is the possibility of punishment for noncompliance with the laws and rules of that contract. Deterrence theory suggests that a punishment that is sufficiently severe and administered quickly and with certainty will weigh heavily upon the rational person's behavioral decision making. Presumably, behavior choice will be favorable to the continuance of the social contract.

While the reasoning of this theoretical perspective is simple and straightforward, it suffers from a serious problem. The deterrence perspective assumes that the rational mechanism of each human being is the same and that full and accurate information about available punishments is equally available to each and every person in the social contract. In the real world, these assumptions are anything but self-evident. However, adopting them as working or beginning assumptions at least enables a start for empirical research work. As deterrence research evolves, further empirical examination of these assumptions themselves will be in order.

DETERRENCE RESEARCH: THE STATE OF THE ART

An important deterrence researcher and reviewer of empirical research work is Daniel Nagin. At two points in the last thirty years, he has examined the empirical literature in critical review articles (Nagin 1978, 1998). His reviews are important in terms of the in-depth examination of the methodological and statistical difficulties that arise in the conduct of deterrence research. Nagin's most recent review of the state of the art of deterrence research includes two main conclusions. He concludes that the actions of the criminal justice system exert a substantial deterrent effect. Generally speaking, increasing criminal sanctions decreases crime rate. However—and this is an important qualification—the research finding that punishment has a substantial deterrent effect helps little in understanding the formulation of criminal justice policy necessary for systematic control of crime rates. In other words, empirical research has established little as to how to bring the effects of criminal justice punishment policy to bear upon the choices of individual citizens, the ultimate targets of that punishment (1998: 3).

Nagin's review organizes deterrence research into three categories: ecological studies, time series studies, and perceived risk studies. Ecological studies are aimed at isolating how factors such as the level of prison population, police per capita, or arrests per crime influence crime rates. These kinds of deterrence research have many methodological issues, not the least of which includes the use of data generated by public agencies—including law enforcement agencies and courts—for scientific research. Time series studies investigate the influence of specific criminal justice policy, such as the enactment of drunk driving laws upon the level of drunk driving arrests or the effects of capital punishment upon homicide rates. Again, while the methodological issues associated with this kind of study are substantial, they make up an important component of ongoing deterrence research. The perceived risk studies are premised upon the fact that the real basis of deterrence is the amount of threat of punishment that a person feels as she or he mulls over the possibility of committing a crime. No differently than with the other two categories of deterrence research, methodological issues abound here as well. Researchers attempt to determine the impact of perceived risk of arrest, perceptions of severity, and certainty of sanctions upon intentions to offend. More recently, researchers have also begun examining the interaction effects of certainty and severity upon deterrence (Tittle and Paternoster 2000: 515).

SUMMARY

The idea of deterrence underpins much of common-sense thinking regarding the way to punish. It involves punishment for violations of both informal norms—customs and manners—and formal norms—those codified into law and enforced by the coercive power of the state. Criminological studies of deterrence focus on punishment associated with the violation of formal norms. This area of criminological research is a robust one but yet very much a work in progress. In the last thirty years, the examination of some of the key issues about punishment—how much punishment is enough, who should be punished, when does punishment deter—have occupied many, many researchers. As with other areas of research in the young social science of criminology, only tentative research findings in relation to deterrence questions are available. Deterrence is a difficult area for empirical study, and much attention is being paid to the improvement of the methods of research in the hope of improving the confidence that the general public and policy makers may have in the resultant findings. It seems clear that deterrence research will remain an active and growing area of empirical criminological research well into the twenty-first century.

—Chris E. Marshall

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DEVIANCE

Deviance can be defined as behavior or activities that break generally shared social norms. This simple definition belies a number of complexities: Is behavior still deviant if the norm breaking is not visible to any one else or is not sanctioned by others? Given the plurality of social life, can it be said that there is widespread agreement on social norms? In reality, there is more likely to be disagreement on appropriate behavior, standards, and expectations. Who has or what groups have the power and authority to determine the social rules and enforce them? For example, while there is considerable diversity in dress codes and body presentation, employers have considerable power in enforcing both formal and informal dress codes. Types of norms range from informal, unwritten social rules or etiquette, to mores or ethics, convention, organizational rules, and laws (especially criminal law). Even though there are significant cultural differences in the determination of what constitutes deviance, the existence of activities deemed by others to be deviant is universal; all societies define some behavior as deviant, as offensive to legal or moral norms. This is not to say that certain forms of behavior or activities are regarded as deviant in all societies or historical periods. In Western societies over the course of the twentieth century, there was widespread normative change regarding alcohol use, smoking, sexuality, women in paid work, parenting, the use of violence, and gender relations.

The concept of deviance includes a wide range of behavior. A related concept—social control—usually is defined as all those mechanisms or sanctions aimed at achieving conformity and eradicating or containing deviant behavior. Social control responds to deviance, and the sanctions applied may be informal—a glance, ridicule, gossip, a reprimand, persuasion, or social ostracism—or formal—including fines, probation, and imprisonment, administered by the criminal justice system. Medicine (including psychiatry), welfare, and education also sanction behavior they define as deviant, unacceptable, or abnormal, but their social control functions are less visible than formal legal sanctions and are legitimized by concerns such as treating patients or helping clients and their families.

SOCIOLOGICAL APPROACHES TO DEVIANCE

While some consider the study of deviance to be about deviants—the exotic, marginal, unconventional, criminal, or simply "others," that is, people not like us—deviant behavior and its regulation are aspects of everyday social life. Deviance and social control exist in ordinary social settings in which discussions of appropriate behavior, expectations, and the right thing to do are continuously being articulated.