MODERN APPLICATIONS OF THE CLASSICAL PERSPECTIVE
Deterrence, Rational Choice, and Routine Activities or Lifestyle Theories of Crime

This chapter will discuss the early aggregate studies of deterrence in the late 1960s, then the perceptual studies of the 1970s, and finally the longitudinal and scenario studies of the 1980s and 1990s to the present. Other policy applications, such as increased penalties for drunk driving, white-collar crime, and so on, will also be examined. This chapter will also discuss the development of rational choice theory in economics and its later application to crime. Finally, it will examine the use of routine activities theory or lifestyle theory as a framework for modern research and applications for reducing criminal activity.

In Chapter 2, we discussed the early development of the Classical and Neoclassical Schools of criminological thought. This theoretical perspective has been the dominant framework used by judges and practitioners in the practice of administering justice and punishment even in current times, but beginning in the late 19th century, criminological researchers dismissed the classical and neoclassical frameworks. Rather, criminological research and theorizing began emphasizing factors other than free will and deterrence. Instead, an emphasis was placed on social, biological, or other factors that go beyond free will and deterrence theory. These theories will be discussed in later chapters, but first we will examine the recent rebirth of classical and neoclassical theory and deterrence.

THE REBIRTH OF DETERRENCE THEORY AND CONTEMPORARY RESEARCH

As just discussed in Chapter 2, the Classical and Neoclassical School frameworks fell out of favor among scientists and philosophers in the late 19th century, largely due to the introduction of Charles Darwin’s ideas about evolution and natural selection. However, virtually all Western criminal systems retained the classical and neoclassical frameworks for their model of justice, particularly the United States. Nevertheless, the ideology of Beccaria’s work was largely dismissed by academics and theorists after the presentation of Darwin’s theory of evolution in the 1860s.
Therefore, the Classical and Neoclassical Schools fell out of favor in terms of criminological theorizing for about 100 years. However, in the 1960s, the Beccarian model of offending experienced a rebirth.

In the late 1960s, several studies using aggregate measures of crime and punishment were published that used a deterrence model for explaining why individuals engage in criminal behavior. These studies revealed a new interest in the deterrent aspects of criminal behavior and further supported the importance of certainty and severity of punishment in deterring individuals from committing crime, particularly homicide. In particular, evidence was presented that showed that increased risk or certainty of punishment was associated with less crime for most serious offenses. Plus, it is a fact that most offenders who are arrested once never get arrested again, which provides some basic support for deterrence.

Many of these studies used statistical formulas to measure the degree of certainty and severity of punishment in given jurisdictions. One measure used the ratio between crimes reported to police and number of arrests in a given jurisdiction. Another measure of certainty of punishment was the ratio of arrests to convictions, or findings of guilt, in criminal cases. Other measures were also employed. Most of the studies showed the same result: The higher the rate of arrest compared to reports of crime, or the higher the conviction rate compared to the arrest rate, the lower the crime rate in the jurisdiction. On the other hand, the scientific evidence for severity, which such studies generally indicated by the lengths of sentences for comparable crimes or similar measures, did not show much impact on crime.

Additional aggregate studies examined the prevalence and influence of capital punishment on the crime rate in given states. The evidence showed that the states with death penalty statutes also had higher murder rates than non-death-penalty states. Furthermore, the studies showed that murderers in death penalty states who were not executed actually served less time than murderers in non-death-penalty states. Thus, the evidence regarding increased sanctions, including capital punishment, was mixed. Still, a review of the early deterrence studies by the National Academy of Sciences concluded that, overall, there was more evidence for a deterrent effect than against it, although the finding was reported in a tone that lacked confidence, perhaps cautious of what future studies would show.

It was not long before critics noted that studies incorporating aggregate (i.e., macro-level) statistics are not adequate indicators or valid measures of the deterrence theoretical framework, largely because the model emphasizes the perceptions of individuals. Using aggregate or group statistics is flawed because different regions may have higher or lower crime rates than others, thereby creating bias in the ratios for certainty or severity of punishment. Furthermore, the group measures produced by these studies provide virtually no information on the degree to which individuals in those regions perceive sanctions as being certain, severe, or swift. Therefore, the emphasis on the unit of analysis in deterrence research shifted from the aggregate level to a more micro, individual level.

The following phase of deterrence research focused on individual perceptions of certainty and severity of sanctions, primarily drawn at one point in time, known as cross-sectional studies. A number of cross-sectional studies of individual perceptions of deterrence showed that perceptions of the risk or certainty of punishment were strongly associated with intentions to commit future crimes, but individual perceptions of the severity of punishments were mixed. Furthermore, it readily became evident that it was not clear whether perceptions were causing changes in behavior or whether behavior was causing changes in perception. This led to the next wave of research—longitudinal

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One of the primary concepts revealed by longitudinal research was that behavior was influencing perceptions of the risk and severity of punishment more than perceptions were influencing behavior. This was referred to as the experiential effect, which is appropriately named because people's previous experience highly influences their expectations regarding their chances of being caught and suffering the resulting penalties.

A common example is that of people who drive under the influence of alcohol (or other substances). Studies show that if you ask people who have never driven drunk how likely they would be to get caught if they drove home drunk, most predict an unrealistically high chance of getting caught. However, if you ask people who have been arrested for driving drunk—even those who have been arrested several times for this offense—they typically predict that the chance is very low. The reason for this is that these chronic drunk drivers have typically been driving under the influence for many years, mostly without being caught. It is estimated that more than 1 million miles are driven collectively by drunk drivers before one person is arrested. If anything, this is likely a conservative estimate. Thus, people who drive drunk—some of whom do so every day—are not likely to be deterred even when they are arrested more than once because they have done so for years. In fact, perhaps the most notable experts on the deterrence of drunk drivers, H. L. Ross and his colleagues, have concluded that drunk drivers who "perceive a severe punishment if caught, but a near-zero chance of being caught, are being rational in ignoring the threat." Thus, even the most respected scholars in this area admit that sanctions against drunk driving are nowhere near certain enough, even if they are growing in severity.

Another common example is seen with white-collar criminals. Some researchers have theorized that being caught by authorities for violating government rules enforced by the U.S. Securities and Exchange Commission (SEC) will make these organizations less likely to commit future offenses. However, business organizations have been in violation of established practices for years by the time they get caught, so it is likely that they will continue to ignore the rules in the future more than organizations that have never violated the rules. Thus, the certainty of punishment for white-collar violations is so low—and many would argue that the severity is also quite low—that it is quite rational for businesses and business professionals to take the risk of engaging in white-collar crime.

It is interesting to note that white-collar criminals and drunk drivers are two types of offenders who are considered more likely to be deterred because they are mostly of the middle- to upper-level socioeconomic class. The extant research on deterrence has shown that individuals who have something to lose are the most likely to be deterred by sanctions. This makes sense: Those who are unemployed or poor or both do not have much to lose, and for them, as well as for some minorities, incarceration may not present a significant departure from the deprived lives that they lead.

The fact that official sanctions have limitations in deterring individuals from drunk driving and white-collar crime is not a good indication of the effectiveness of deterrence-based policies. Their usefulness becomes even more
questionable when other populations are considered, particularly the offenders in most predatory street crimes (robbery, burglary, etc.), in which offenders typically have nothing to lose because they come from poverty-stricken areas and are often unemployed. One recent study showed that being arrested had little effect on perceptions of the certainty of punishment; offending actually corresponded with decreases in such perceptions.\(^7\)

Some people don't see incarceration as that much of a step down in life, given the three meals a day, shelter, and relative stability provided by such punishment. This fact epitomizes one of the most notable paradoxes we have in criminology: The individuals we most want to deter are the least likely to be deterred, primarily because they have nothing to fear. In early Enlightenment thought, Thomas Hobbes asserted that, although fear was the tool used to enforce the social contract, people who weren't afraid of punishment could not effectively be deterred. That remains true in modern days.

Along the same lines, studies have consistently shown that for young male offenders—at higher risk, with low emotional or moral inhibitions, low self-control, and high impulsivity—official deterrence is highly ineffective in preventing crimes with immediate payoffs.\(^8\) Thus, many factors go into the extent to which official sanctions can deter. As we have seen, even among those offenders who are in theory the most deterrable, official sanctions have little impact because their experience of not being caught weakens the value of deterrence.

The identification and understanding of the experiential effect had a profound influence on the interpretation of evidence regarding the impact of deterrence. Researchers saw that, to account for such an experiential effect, any estimation of the influence of perceived certainty or severity of punishment must control for previous experiences of engaging in unlawful behavior. The identification of the experiential effect was the primary contribution of the longitudinal studies of deterrence, but such studies faced even further criticism.

Longitudinal studies of deterrence provided a significant improvement over the cross-sectional studies that preceded this advanced methodology. However, such longitudinal studies typically involved designs in which measures of perceptions of certainty and severity of punishment were collected at points in time that were separated by up to a year, including long stretches between when the crime was committed and when the offenders were asked about their perceptions of punishment. Psychological studies have clearly established that perceptions of the likelihood and severity of sanctions vary significantly from day to day, not to mention month to month and year to year.\(^9\) Therefore, in the late 1980s and early 1990s, a new wave of deterrence research evolved, which asked study


participants to estimate their likelihood of committing a criminal act in a given situation as well as their immediate perceptions of the certainty and severity of punishment in the same situation. This wave of research was known as scenario (vignette) research.10

Scenario research (i.e., vignette design) was created to deal with the limitations of previous methodological strategies for studying the effects of deterrence on criminal offending—specifically, the criticism that individuals’ perceptions of the certainty and severity of punishment change drastically from time to time and across different situations. The scenario method dealt with this criticism directly by providing a specific, realistic (albeit hypothetical) situation in which a person engages in a criminal act. Participants in the study are then asked to estimate the chance that they would engage in such activity in the given circumstances and to respond to questions regarding their perceptions of the risk of getting caught (i.e., certainty of punishment) and the degree of severity of punishment they expect.

Another important and valuable aspect of scenario research was that it promoted contemporaneous (i.e., instantaneous) responses about perceptions of risk and the severity of perceived sanctions. In comparison, previous studies (e.g., aggregate, cross-sectional, longitudinal) had always relied on either group or individual measures of perceptions over long periods of time. While some argue that intentions to commit a crime given a hypothetical situation are not accurate measures of what people would do in reality, studies have shown an extremely high correlation between what people report doing in a given scenario and what they would do in real life.11 A recent review of criticisms of this research method showed that one weakness was that it did not allow respondents to offer their own perceptions of the risk and costs associated with each offense.12 Despite such criticisms, the scenario method appears to be the most accurate that we have to date to estimate the effects of individuals’ perceptions on the likelihood of their engaging in given criminal activity at a given point in time. This is something that the previous waves of deterrence research—aggregate, cross-sectional, and longitudinal studies—could not estimate.

Ultimately, the studies using the scenario method showed that participants were more affected by perceptions of certainty and less so, albeit sometimes significantly, by perceptions of severity. These findings supported previous methods of estimating the effects of formal or official deterrence, meaning the deterrent effects of three general groups: law enforcement, courts, and corrections (i.e., prisons and probation or parole). Thus, the overall conclusion regarding the effects of official sanctions on individual decision making remained unaltered. However, one of the more interesting aspects of the scenario research method is that it helped solidify the importance of extralegal variables in deterring criminal behavior, variables that had been neglected by previous methods.


These extralegal or informal deterrence variables, which include any factors beyond the formal sanctions of police, courts, and corrections—such as employment, family, friends, or community—are typically known as informal or unofficial sanctions. The scenario research studies helped show that these informal sanctions provided most of the deterrent effect—if there was any. These findings coincided with the advent of a new model of deterrence, which became commonly known as rational choice theory.

**Rational Choice Theory**

Rational choice theory is a perspective that criminologists adapted from economists, who used it to explain a variety of individual decisions regarding a variety of behaviors. This framework emphasizes all the important factors that go into a person's decision to engage or not engage in a particular act. In terms of criminological research, the rational choice model emphasized both official or formal forms of deterrence and also the informal factors that influence individual decisions regarding criminal behavior. This represented a profound advance in the understanding of human behavior. After all, as studies showed, most individuals are more affected by informal factors than they are by official or formal factors.

Although there were several previous attempts to apply the rational choice model to the understanding of criminal activity, the most significant work, which brought rational choice theory into the mainstream of criminological research, was Derek Cornish and Ron Clarke's *The Reasoning Criminal: Rational Choice Perspectives on Offending* in 1986. Furthermore, in 1988, Jack Katz published his work *Seductions of Crime*, which, for the first time, placed an emphasis on the benefits (mostly the inherent physiological pleasure) of committing crime. Before Katz's publication, virtually no attention had been paid to the benefits of offending, let alone the fun that people feel when they engage in criminal behavior. A recent study showed that the publication of Cornish and Clarke's book, as well as the timing of other publications such as Katz's, led to an influx of criminological studies in the late 1980s to mid-1990s based on the rational choice model.

These studies on rational choice showed that while official or formal sanctions tend to have some effect on individuals' decisions to commit crime, they almost always are relatively unimportant compared to extralegal or informal factors. The effects of people's perceptions of how much shame or loss of self-esteem they would experience, even if no one else found out that they committed the crime, was one of the most important variables in determining whether or not they would do so. Additional evidence indicated that females were more influenced by the effects of shame and moral beliefs in this regard than were males. Recent studies have shown that differing

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levels of certain personality traits, especially self-control and empathy, are likely the reason why males and females differ so much in engaging in criminal activity.19 Finally, the influence of peers has a profound impact on individual perceptions of the pros and cons of offending, because seeing friends get away with crimes significantly decreases the perceived risk of punishment.20

Another area of rational choice research dealt with the influence that an individual’s behavior would have on those around her or him. A recent review and test of perceived social disapproval showed that this was one of the most important variables in decisions to commit crime.21 In addition to self-sanctions, such as feelings of shame and embarrassment, the perception of how loved ones, friends, and employers would respond is perhaps the most important factor that goes into a person’s decision to engage in criminal activity. These are the people we deal with every day, and some of them are the source of our livelihoods, so it should not be too surprising that our perceptions of how they will react strongly affect how we behave.

Perhaps the most important finding of rational choice research was that the expected benefits—in particular, the pleasure offenders would get from offending—had one of the most significant effects on their decisions to offend. Many other conclusions have been made regarding the influence of extralegal or informal factors on criminal offending, but the ultimate conclusion that can be made is that these informal deterrent variables typically hold more influence on individual decision making regarding deviant activity than the official or formal factors that were emphasized by traditional Classical School models of behavior.


20Pogarsky et al., “Perceptual Change.”

21Pogarsky, “Identifying ‘Deterrable’ Offenders.”
The rational choice model of criminal offending became the modern framework of deterrence. Official authorities acknowledged the influence of extralegal or informal factors, as seen in modern efforts to incorporate the family, employment, and community in rehabilitation efforts. Such efforts are highly consistent with the current understanding of the Classical School and rational choice frameworks—namely, that individuals are more deterred by the perceived impact of their actions on informal aspects of their lives than they are by the formal punishments they might face if they carry out illegal acts.

**Routine Activities Theory**

**Routine activities theory**, or **lifestyle theory**, is another contemporary form of the Classical School framework in the sense that it assumes an offender who makes rational decisions. The general model of routine activities theory was originally presented by Lawrence Cohen and Marcus Felson in 1979. This theoretical framework emphasized the presence of three factors that come together in time and place to create a high likelihood of crime and victimization. These three factors are motivated offender(s), suitable target(s), and lack of guardianship. Overall, the theory is appropriately named in the sense that it assumes that most crime occurs in the daily routine of people who happen to see—and then seize—tempting opportunities to commit crime. Studies tend to support this idea, as opposed to the idea that most offenders leave their home knowing they are going to commit a crime; the latter offenders are called hydraulic and are relatively rare compared to the opportunistic type.

Regarding the first factor noted as being important for increasing the likelihood of criminal activity—a motivated offender—routine activities theory does not provide much insight. Rather, the model simply assumes that some individuals tend to be motivated and leaves it at that. Fortunately, we have many other theories that can fill this notable absence. The strength of routine activities theory lies in its elaboration of the other two aspects of a crime-prone environment: suitable targets and lack of guardianship.

Suitable targets can include a variety of situations. For example, a very suitable target can be a vacant house in the suburbs, which the family has left for summer vacation. Data clearly show that burglaries more than double in the summer when many families are on vacation. Other forms of suitable targets range from an unlocked car to a female alone at a shopping mall carrying a lot of cash and credit cards or purchased goods. Other likely targets are bars or other places that serve alcohol. Offenders have traditionally targeted drunk persons because they are less likely to be able to defend themselves, as illustrated by a history of lawbreakers rolling drunks for their wallets that extends back to the early part of the 20th century. This is only a short list of the many types of suitable targets that are available to motivated offenders in everyday life.

The third and final aspect of the routine activities model for increased likelihood of criminal activity is the lack of guardianship. Guardianship is often thought of as a police officer or security guard, which is often the case. There

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are many other forms of guardianship, however, such as owning a dog to protect a house, which studies demonstrate can be quite effective. Just having a car or house alarm constitutes a form of guardianship. Furthermore, the presence of an adult, neighbor, or teacher can effectively guard an area against crime. In fact, recent studies show that increased lighting in the area can prevent a significant amount of crime, with one study showing a 20% reduction in overall crime in areas randomly chosen to receive improved lighting as compared to control areas that did not. Regardless of the type of guardianship, it is the absence of adequate guardianship that sets the stage for crime; on the other hand, each step taken toward protecting a place or person is likely to deter offenders from choosing the target in relation to others. Locations that have a high convergence of motivated offenders, suitable targets, and lack of guardianship are typically referred to as hot spots.

Case Study: The Green River Killer

Gary Leon Ridgway was convicted and sentenced in 2003 after many decades of acting as the Green River Killer; he had stabbed his first victim at age 16 in 1965. He confessed to killing 71 victims (although he was convicted of only 48), virtually all of them women. He appeared to live separate lives. In one aspect of his life in the Seattle area, he was the father of a son and husband to his third wife. The other side involved picking up women, mostly prostitutes and strippers, who were willing to engage in sexual activity with him in remote locations.

He claimed that he would hide or bury the bodies of the victims he really “liked” because he knew he would want to go back and have sex with them later, which he did on occasion. He would also place various objects, such as a fish, bottle, or sausage, at the crime scene to throw off authorities, because these objects didn’t match the modus operandi they were expecting to help link the crimes together. So he did appear to plan his crimes, at least in terms of manipulating the crime scenes (whether the primary scene, where the killing took place, or the secondary scene, where the body was dumped).

He also notably said, “I would choke them . . . and I was really good at it.” But when asked by an investigator in an official interview where he ranked on a scale of evil from 1 to 5, he said he was a 3. So there appears to be a disconnect between the way he thinks and the way society at large thinks.

Ridgway was caught after DNA from crime scenes was matched to a saliva test he had taken years before, when authorities had suspected him but didn’t have enough evidence to make an arrest. So he continued his killing spree for many years, until they finally obtained further evidence linking him to some of the murders. Ridgway is now serving 480 years in prison for 48 life sentences, due to a bargain that got him out of the death penalty.

(Continued)
But why did he do it? Obviously, he has some psychological issues. But he passed the psychological test to determine readiness to stand trial, so he was not ruled legally insane. Virtually all his victims easily fit within his lifestyle, as he traveled around in his truck and picked up women in essentially the same area where he worked and lived. He never went far out of his way. In fact, none of his victims seemed to come from outside the Seattle area. And he would almost always dump or bury the bodies within a relatively limited radius in that region—hence his label, “the Green River Killer.”

In one notable instance, he claimed that his son was with him in the truck when he picked up a woman. He had his son stay in the truck while he took the woman a distance away and killed her. But we know that he tended to pick up and kill these women as part of his daily routine, which included working at a truck-painting factory. Thus, this case applies to the routine activities theory and lifestyles perspective covered in this chapter. Also keep in mind that even at the time when he was apprehended for these murders, he had a relatively stable marriage, which is not atypical for serial killers. They often lead separate lives, and both lives can seem fairly routine despite extreme contradictions.

1. What was the Green River Killer’s typical method of operation (MO), or how he carried out most of his killings?

2. How is the Green River Killer’s case a good example of routine activities theory?


Perhaps the most supportive evidence for routine activities theory and hot spots was the study of 911 calls for service in Minneapolis, Minnesota. This study examined all serious calls (as well as total calls) to police for a 1-year period. Half of the top 10 places from which police were called were bars or locations where alcohol was served. As mentioned previously, establishments that serve alcohol are often targeted by motivated offenders because of their high proportion of suitable targets. Furthermore, a number of bars tend to have a low level of guardianship in relation to the number of people they serve. Readers of this book may well relate to this situation. Most college towns and cities have certain drinking establishments that are known as being hot spots for crime.

Still, the Minneapolis hot spot study showed other types of establishments that made the top 10 rankings. These included places such as bus depots, convenience stores, run-down motels and hotels, downtown malls, and strip malls. The common theme linking these locations and the bars was the convergence of the three aspects described by routine activities theory as being predictive of criminal activity. Specifically, these places attracted motivated offenders, largely because they have a lot of vulnerable targets and lack sufficient levels of security or guardianship.

Figure 3.1 • Routine activities theory

- Motivated Offender(s) (e.g., drunk male)
- "Hot Spots" Places in which these 3 elements converge in time and place (e.g., bars, malls, bus depots)
- Vulnerable Target (e.g., unlocked car)
- Lack of Guardian (e.g., no police or security)

The routine activities framework has been applied in many contexts and places, many of them international. Modern applications of routine activities theory include geographic profiling, which uses satellite positioning systems in perhaps the most attractive and marketable aspect of criminological research in contemporary times. Essentially, such research incorporates computer software for a Global Positioning System (GPS) to identify the exact location of every crime that takes place in a given jurisdiction. Such information has been used to solve or predict various crimes, to the point where serial killers have been caught by triangulating the sites where the victims were found to show the most likely place where the killer lived.

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Some theorists have proposed a theoretical model based on individuals’ lifestyles, which has a large overlap with routine activities theory, as shown in studies previously reviewed. It only makes sense that a person who lives a more risky lifestyle, for example, by frequenting bars or living in a high-crime area, will be at more risk because she or he is close to various hot spots as identified by routine activities theory. Although some criminologists label this phenomenon a lifestyle perspective, it is virtually synonymous with the routine activities model because such lifestyles incorporate the same conceptual and causal factors in routine activities.

Policy Implications

There are numerous policy implications that can be derived from the theories and scientific findings in this chapter. Here, we will concentrate on some of the most important policies. First, we look at the policy of broken windows, which has many assumptions similar to those of the routine activities and rational choice theories. The broken windows perspective emphasizes the need for police to crack down on minor offenses to reduce major crimes. Although many cities (e.g., New York and Los Angeles) have claimed reductions in serious crimes by using this theory, crime was reduced by the same amount across most U.S. cities during the same time (the late 1990s to mid-2000s).

Relatedly, regarding the effectiveness of targeting hot spots of crime—which is based primarily on routine activities theory—according to a 2017 article by David Weisburd, David Farrington, and Charlotte Gill, the most recent systematic reviews and meta-analyses studies have concluded that policing strategies that place focused emphasis on hot spots appear to be effective in reducing crime in those areas. It is also notable that this same extensive recent review of the extant literature found little evidence for displacement of crime out of areas when they are targeted by focused policing efforts. Thus, there appears to be strong support for police strategies in focusing on problematic hot spots in communities. Research by Cory Haberman in 2017 has promoted advancing the examination of spatial crime areas by examining the overlapping nature of hot spots of different crime types.

—Image 3.4 Crimes tend to be concentrated in certain places and certain times and thus are not typically random events. The places that have a high concentration of crimes are referred to as hot spots.

SOURCE: © istockphoto.com / mrtom-uk


30Ibid.

Additionally, a study by Robert Apel and Julie Horney in 2017, based on a routine activities theoretical framework, examined the influence of employment and criminal behavior among a national sample of 717 males. The findings of this study indicated that employment significantly reduced criminal behavior but only when individuals reported a strong level of commitment to their jobs. The authors concluded that for such individuals who had high levels of commitment to their job, their employment reduced the unstructured leisure time that would otherwise offer offenders situational inducements or opportunities to commit crime. This certainly supports the routine activities theoretical framework; when individuals are not simply wandering about, but rather are at work, they are less likely to offend because they are not presented with attractive opportunities to commit street crimes.

Other policies derived from the theories in this chapter include the three strikes, you’re out policy, which assumes that offenders will make a rational choice not to commit future offenses because they could go to prison for life if they commit three felonies; the negatives certainly outweigh the expected benefits for the third crime. Remember Beccaria’s view that for deterrence to be extremely effective, punishment must be swift, certain, and severe. Where does the three-strikes policy fall in this equation? The bottom line is that it is much more severe than it is swift or certain. Given Beccaria’s philosophy (see Chapter 2), this policy will probably not work because it is not certain or swift. However, it is severe in the sense that a person can be sentenced to life if she or he commits three felony offenses over time.

A controversial three-strikes law was passed by voter initiative in California, and other states have adopted similar types of laws. It sends third-time felons to prison for the rest of their lives regardless of the nature of that third felony. California first requires convictions for two strikeable felonies: crimes like murder, rape, aggravated assault, burglary, drug offenses, and so on. Then, any third felony can trigger a life sentence. The stories about people going to prison for the rest of their lives for stealing pieces of pizza or shoplifting DVDs, while rare, are quite true.

The question we are concerned with here is, does the three-strikes policy work? As a specific deterrent, the answer is clearly yes; offenders who are in prison for the rest of their lives cannot commit more crimes on the streets. In that regard, three-strikes works very well. Some people feel, however, that laws like three-strikes need to have a general deterrent effect to be considered successful, meaning that this law should deter everyone from engaging in multiple crimes. So is three-strikes a general deterrent? Unfortunately, there are no easy answers to this question because laws vary from state to state, the laws are used at different rates across the counties in a given state, and so forth.

There is at least some consensus in the literature, however. One study from California suggests that three-strikes has reduced crime, but the remaining studies show that three-strikes either has had no effect on crime or has actually increased crime. How could three-strikes increase crime? The authors attributed the increase in homicide following the enactment of three-strikes laws to the possibility that third-strikers have an incentive to kill victims and any witnesses in an effort to avoid apprehension. Although this argument is tentative, it may be true.

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This is just one of the many policy implications that can be derived from this chapter. We expect that readers of this book will come up with many more policy implications, but it is vital to examine the empirical literature to determine these policies’ usefulness in reducing criminal activity. Other policy implications of the theories and findings described in this chapter will be discussed in the final chapter of this book.

In a strategy that is also strongly based on the rational choice model, a number of judges have started using shaming strategies to deter offenders from recidivating.\(^{37}\) They have ordered everything from publicly posting pictures of men arrested for soliciting prostitutes to forcing offenders to walk down main streets of towns wearing signs that announce that they’ve committed crimes. These are just two examples of an increasing trend that emphasizes the informal or community factors required to deter crime. Unfortunately, to date, there have been virtually no empirical evaluations of the effectiveness of such shaming penalties, although studies of expected shame for doing an act consistently show a deterrent effect.\(^{38}\)

Conclusion

This chapter reviewed the more recent forms of classical and deterrence theory, such as rational choice theory, which emphasizes the effects of informal sanctions (e.g., family, friends, employment) and the benefits and costs of offending, and a framework called routine activities theory, which explains why victimization tends to occur far more often in certain locations (i.e., hot spots) due to the convergence of three key elements in time and place—motivated offender(s), vulnerable target(s), and lack of guardianship—which create attractive opportunities for crime as individuals go about their everyday activities. The common element across all of these perspectives is the underlying assumption that individuals are rational beings who have free will and thus choose their behavior based on assessment of a given situation, such as by weighing possible risks versus potential payoffs. Although the studies examined in this chapter lend support to many of the assumptions and propositions of the classical framework, it is also clear that there is a lot more involved in explaining criminal human behavior than the individual decision making that goes on before a person engages in rule violation. After all, human beings, especially chronic offenders, are often not rational and often do things spontaneously without considering the potential risks beforehand. So, despite the use of the classical and neoclassical models in most systems of justice in the modern world, such theoretical models of criminal activity largely fell out of favor among experts in the mid-19th century, when an entirely new paradigm of human behavior became dominant. This new perspective became known as the Positive School, and we will discuss the origin and development of this paradigm in the following chapter.

CHAPTER SUMMARY

- After 100 years of neglect by criminologists, the classical and deterrence models experienced a rebirth in the late 1960s.
- The seminal studies in the late 1960s and early 1970s were largely based on aggregate and group rates of crime as well as group rates of certainty and severity of punishment, which showed that levels of actual punishment and especially certainty of punishment were associated with lower levels of crime.

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**Notes:**


38 Tibbetts, “Gender Differences.”
A subsequent wave of deterrence research, cross-sectional surveys, which were collected at one time, supported previous findings that perceptions of certainty of punishment had a strong, inverse association with offending, whereas findings regarding severity were mixed.

Longitudinal studies showed that much of the observed association between perceived levels of punishment and offending could be explained by the experiential effect, which is the phenomenon whereby behavior, rather than deterrence, affects perceptions (i.e., as opposed to perceptions affecting behavior).

Scenario studies addressed the experiential effect by supplying a specific context—that is, through presenting a detailed vignette and then asking what subjects would do in that specific circumstance and what their perceptions of the event were.

Rational choice theory emphasizes not only the formal and official aspects of criminal sanctions but also the informal or unofficial aspects, such as family and community.

Whereas traditional classical deterrence theory ignored the benefits of offending, rational choice theory emphasizes them, such as the thrill offending produces, as well as the social benefits of committing crime.

Routine activities theory provides a theoretical model that explains why certain places have far more crime than others and why some locations have hundreds of calls to police each year whereas others have none.

Lifestyle theories of crime reveal that the way people live may predispose them to both crime and victimization.

Routine activities theory and the lifestyle perspective are becoming key in one of the most modern approaches to predicting and reducing crime and victimization. Specifically, GPS and other forms of geographical mapping of crime events have contributed to an elevated level of research and attention given to these theoretical models, due to their importance in specifically documenting where crime occurs and, in some cases, predicting where future crimes will occur.

All of the theoretical models and studies reviewed in this chapter were based on classical and deterrence models, which assume that individuals consider the potential benefits and costs of punishment and then make their decisions about whether or not to engage in a criminal act.

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### KEY TERMS

- cross-sectional studies
- experiential effect
- rational choice theory
- scenario (vignette) research
- routine activities theory (lifestyle theory)

### DISCUSSION QUESTIONS

1. Do you think it was good that the deterrence model was reborn, or do you think it should have been left for dead? Explain why you feel this way.

2. Considering the aggregate level of research in deterrence studies, do you find such studies valid? Explain why or why not.

3. In comparing longitudinal studies to scenario (vignette) studies, which do you think offers the most valid method for examining individual perceptions regarding the costs and benefits of committing offenses? Explain why you feel this way.
4. Can you relate to the experiential effect? If you can't, do you know someone whose behavior seems to resemble that which results from this phenomenon? Make sure to articulate what the experiential effect is.

5. With rational choice theory in mind, consider whether you would rather be subject to formal sanctions if none of your family, friends, or employers found out that you had engaged in shoplifting, or face the informal sanctions but receive no formal punishment (other than being arrested) for such a crime. Explain your decision.

6. As a teenager, did you or family or friends get a rush out of doing things that were deviant or wrong? If so, did that feeling seem to outweigh any legal or informal consequences that might have deterred you or people you knew?

7. With routine activities theory in mind, consider which places, residences, or areas of your hometown fit the idea that certain places have more crime than others (i.e., are hot spots)? Explain how you, friends, or others (including police) in your community deal with such areas. Does it work?

8. Which of the three elements of routine activities theory do you feel is the most important to address in efforts to reduce crime in the hot spots?

9. What lifestyle characteristics lead to the highest offending or victimizing rates? List at least five factors that lead to such propensities.

10. Find at least one study that uses mapping and geographical (GPS) data, and report the conclusions of that study. Do the findings and conclusions fit the routine activities theoretical framework? Why or why not?

11. What types of policy strategies derived from rational choice and routine activities theories do you think would be most effective? Least effective?

WEB RESOURCES

Modern Testing of Deterrence

Rational Choice Theory
http://www.academia.edu/12541099/An_Evaluation_of_the_Rational_Choice_Theory_in_Criminology
http://www.answers.com/topic/rational-choice-theory-criminology

Routine Activities and Lifestyle Theory
http://www.popcenter.org/learning/pam/help/theory.cfm