

A CLASSICAL AND POSITIVIST PERSPECTIVE OF UNDERSTANDING CRIMINAL BEHAVIOUR

Criticisms:

- **Lack of Empiricism:** Considered "arm-chair thinking" due to the absence of scientific observation and data
- **Overemphasis on Law and Free Will:** Gave too much importance to legal statutes and the abstract notion of free will, neglecting the complexities of human behavior and individual circumstances
- **Simplistic View of Rational Choice:** Assumed a straightforward cost-benefit analysis by potential criminals, ignoring emotional, social, and psychological influences
- **Focus on the Crime, Not the Criminal:** Concerned primarily with the injury caused by the criminal act rather than the offender's state of mind or personal characteristics.
- **Abstract Ideas vs. Concrete Realities:** Based on abstract philosophical ideas that did not always align with the practical realities of criminal law
- **Problematic Concepts of Will and Responsibility:** Introduced concepts that placed a difficult burden on judges and legal experts
- **Unjust Application of Punishment:** Associating culpability solely with free will could lead to unjust punishment by ignoring mitigating factors
- **Social Origin of Responsibility:** The concept of responsibility is social rather than a purely metaphysical notion
- **Lack of Uniform Standards:** Made it difficult to establish consistent standards for judging freedom and responsibility

Neo-Classical Criminology:

- **Emergence:** Arose in the mid-19th century, building on Beccaria's contributions
- **Key Claim:** Emphasized the need to consider **mental elements** in determining criminal behavior and guilt, introducing exceptions to the general rules of classical criminology
- **Impact:** Credited with initiating the idea of inquiring into the **causation of criminal behavior**. Represented a reaction against the classical theory of equal punishment for the same act, regardless of the offender's subjective conditions.
- **Criticism:** Like classical criminology, it was criticized for its **lack of scientific approach**.

Positivist Criminology:

- **Core Tenet:** Criminal behavior is determined by **biological, psychological, and social factors** inherent in the individual, rejecting the notion of free will. Advocated for a **scientific approach** to studying crime and criminals.

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RJ Shavelson



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