

CMY3701 summary/essay on the positivist school for 15 marks

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C. Deyzel

Positivist school (15 Marks)

This is a summary of the positivist school, including my own examples; I used these as my own exam preparation and managed to obtain a distinction.

Please do not submit this essay as an assignment, there are direct quotes from the study guide. Use these for exam revision ONLY.

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1. Introduction

In the late 1800s, a second school of thought emerged in criminology that eroded the influence of the classical school. The positivist school of thought is believed to have emerged in opposition to the harsh views of the classical school and as a response to society's lack of concern about what actually caused criminal behaviour. Positivists turned to a method of science and sought measurable causes of criminal behaviour. The strategy used by the positivists was supposed to individualise justice and eliminate criminal behaviour by identifying and eliminating the cause through prevention and rehabilitation.

2. Definition of a key concept

2.1 Positivist school

Positivist criminology is the study of crime which adopts a deterministic approach. This means that offenders are regarded as being driven into committing criminal acts by forces over which they have no control. Common to all forms of positivist criminology is the belief that society is based on consensual values and offenders should be treated, rather than punished for their actions. Positivists also insist that theories that appear to explain the "why?" of crime should be based on scientific analysis.

3. Assumptions of the positivist school

3.1 Explanation of criminal behaviour

It is the character and personal backgrounds of individuals that explain criminal behaviour, *for example their personality types and types of environment they grew up in.* the focus of the analysis is therefore on the nature and characteristics of the offender, rather than on the criminal act. *Positivists can for example look into the offenders' background in order to see where the criminal behaviour might have originated.*

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3.2 Scientific determinism

A crucial assumption of positivism is the existence of scientific determinism. Crime is seen as determined by prior causes; it does not “just happen”. Because of this deterministic position, positivists reject the view that the individual is reasonable, exercises free will and is capable of choice. Instead, individuals’ behaviour is primarily shaped by factors and forces outside their immediate control, *for example poverty or mental illness*.

3.3 Difference between offenders and non-offenders

The offender is seen as fundamentally different from the non-offender. The task, then, is to identify the factors that have made the offender a different kind of person. In an attempt to explain why the crime occurred, positivists concluded that offenders are driven into crime by something in their physical makeup (the way they look), by their psychological impulses, *the offender might for example have Kleptomania*, or the meanness and harshness of their social environments, *for example the offender may have been bullied in school*. Offenders can be scientifically studied and the factors leading to their criminality can be diagnosed, classified and ultimately treated or dealt with in some way. It is the job of the “expert” to identify specific conditions leading to criminality in any particular case. *For example, the offender can be sent to a psychologist for a psychological evaluation to try to determine what the root cause is of the criminal behaviour*.

3.4 individual treatment of offenders

Since there are differences between individual offenders, treatment itself must be individualised. At an institutional level, this translates into arguments in favour of indeterminate sentences. The length of time in custody should not depend solely on the nature of the criminal act committed, but must take into account the diagnosis and classification of the offender, as well as the type of treatment appropriate to the specific individual. For the purpose of court reports, all relevant factors that could play a role in the criminal event are taken into account.

4. Conclusion

Please provide own conclusion. Remember to indicate that this is your opinion, for example “this student is of the opinion that...” This is what you think about the theory. This is not a summary of your essay.