

Classicism versus positivism

[Law](#), [Criminal Justice](#)



Two criminological approaches that have the origin in contemporary criminology are classicism and positivism. Classicism has the origin in the eighteenth century and positivism in the nineteenth. Both, the classical and the positivism theory are expanded in the past with their own roots, but in today criminal justice system are still alive. Classicism was first developed by Cesare Beccaria and Jeremy Bentham, two famous writers which propose in their works that both law and administration of justice should be based on rationality and human rights. Cesare Beccaria's concept of punishment is that " punishment should fit the crime. Criminals are seen to owe a ' debt' to society and punishment should be fixed strictly in proportion to the seriousness of the crime. " (Beccaria, 1974 cited in Burke, 2001, p. 27) and Jeremy Bentham greatest principle was " the greatest happiness for the greatest number, he felt that punishments should be calculated to inflict pain in direct proportion to the damage done to the public interest. " (Criminology a social introduction, second edition, p. 56) Positivism or ' the science of crime' was first developed by Cesare Lambroso in the late nineteenth century. He is the founder of modern criminology and he is known for his notion of the ' atavistic criminal' (Taylor et all, 1973, p. 41) and he described criminals as " atavistic, a throwback to an earlier form of evolutionary life" (Taylor et all, 1973, p. 41). Cesare Lambroso defined them into five main categories: born criminals, epileptics, insane criminals, occasional criminals and criminals of passion. (Lecture 3) " Positivism within criminology has been enormously influential and comes for substantive and sustained criticism. Critics of individual positivism such as David Matza (1964) argue that it draws on three problematic sets of assumptions (Tierney, 1996):

determinism, differentiation and pathology. " (Criminology, Tim Newburn, p. 128) Firstly both criminological approaches have different perspective on the human subject. The classicalist theory says that human are rational beings with a free will to act and once they make a decision they must accept the consequences after it. They are individuals and they make a ration choice. On the other hand the positivist theory says humans have no moral responsibility, they are driven into crime by forces largely out of their control and they are using methods derived from the natural sciences and their crime is caused by biological, psychological or social factors ('determinism'). " Crime is not a free choice but is determined. Positivism is a deterministic theory. " (Criminology a social introduction, second edition, p. 63). Secondly in the classical model " unlike positivism, it views committing crime as making a free choice" (Criminology a social introduction, second edition, p. 58). In positivism theory we can find a 'differentiation', " the criminal is a specific type of person" (Criminology a social introduction, second edition, p. 62) and criminals differ from non-criminals. Thirdly between classicism and positivism is also a pathology difference: the criminals are not only different; there is something wrong with them. Cesare Lombroso " identified not just the born criminal, but also the emotional criminal, the morally insane criminal and masked epileptic criminal" (Criminology a social introduction, second edition, p. 62). In conclusion these two contrasting approaches are different and contain distinct periods in the past, classicism and positivism. I believe it is fair to say that their existence is not as heavily relied upon as it once was in the past. Bibliographic reference: An introduction to criminological theory, Roger Hopkins Burke. (2001) Criminology a social

introduction, Eamonn Carrabine, Pam Cox, Maggy Lee, Ken Plummer and Nigel South. (Second edition, 2009) *The New Criminology*, Taylor, I., Walton, P. and Young, J., Chapter 1. London: Routledge and Kegan Paul. (1973) *Criminology*, Tim Newburn. (2007)