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## Criminal law

Is risk a gendered phenomenon?
Criminologists are in consensus on the universality of gender gap in crime. Women are at an average statistics less to commit criminal acts. Patterns of offences committed by women and male are noteworthy both for their differences and for similarities. This variation of risk-taking depends on organizations of gender, motivational factors, context of risk, as well as biological factors. The issue of risk being a gender phenomenon varies in diverse content domains, this include financial, recreational, social, ethical, as well as safety.
In the past decade, a lot of study has been carried out on criminal victimisation and how gender is related to risk. The extent and nature of criminal victimization is always drawn together with issues concerning risk. Due to existence of gender differences in prosperity to engage into risk has been documented, in numerous experimental studies and questionnaires. Risk taking based on gender varies in different ways. Nevertheless, it is clear that male is more likely to participate in taking risk than female.
In contemporary society, risk has saturated everyday life. Men and women differ in their affluence to opt for a risky outcome. This is because of innate preferences that are modifies by external pressure to conform to societal gender-stereotype. In single-sex environs, individuals are mostly modified to take risk whose outcome is positive. Generally, if individuals fail to take the instructions and laws laid down by judicial systems they are labelled as criminals regardless of their gender. Male and female usually participate in taking risks because it carries both positive and negative promises.
Different scenarios demonstrate how risk is related to gender. For example, work illustrates how exacting gendered perception on risk produce fresh patterns and responsibilities of action, and strategies for controlling, neutralizing, and defining risk. Despite the perception, female criminals are considered less dangerous. Difference in gender is not constantly related to the degree of taking risk. In the field of professionalism and management, men are more risk-averse. Female managers and professionals are at all cost willing to take greater risks as compared to male counterparts at work.
Undoubtedly, risk-taking is mostly associated with masculinity; hence, men are mostly believed to be more muscular as compared to men. Therefore, they take more risk on situations that require a lot of energy, for example violence. The willingness for female and male to take risks is a paramount element of stereotypes on masculine behaviour.

## Discuss positivist criminology from a post-colonial perspective.

Positivist criminology, came up after the classical criminology. It sought to explain the world around individuals. According to positivists, behaviours were not self determined, but rather determined by social, psychological, and biological traits. Furthermore, they pay more emphasizes on deterministic conviction on illegal behaviours, and world, instead of legality of issues, as well as prevention of criminal activities through the reformation of offenders. Based on positivist thinking, the offenders’ role in committing criminal offences is reduced, this is because it eliminates causes of crime, rather than punishment.
Arguably, western legal civilizations based on liberal positivism have by and large excluded the possibility of other laws synchronized within a certain territory. Actually, absolute sovereignty has always undermined the sovereignty and legitimacy of the laws in the colonized nations, which is usually characterized as deficient, customary and partial. Perhaps, the outstanding issues raised by postcolonial jurisprudence have hardly affected the field of criminology.
Based on post-colonial perspective, positivist criminology try to understand the roles of law in the colonial era, as well are its ideological effects on in the criminal justice systems. After the colonization, the colonized nations were affected in various ways, either legally or socially. Therefore, positivist criminology believes that fair criminal justice systems, should execute penalty not based on individual crimes, but on the condition of the unlawful.
In order to eliminate crime, in the colonized nations, positivist advocate for crucial emphasize on psychological and social factors. Crime control and crime are currently entrenched in the impacts and experiences of colonization. This can be a clear indicator of how there is a high level of over-representation in the criminal justice systems of formerly colonized, enslaved individuals or colonized. In this case, positivist criminology understands ethnic or racial over-representation as an outcome of fundamentally individualized factors that can be single-minded from the total population. These factors, can be measured, separated, and quantified as well as subjected to criminal analysis.
Up to date, based on positivist thinking, the colonized and marginalized groups view the existing criminal justice systems as unjust. To the western communities, criminal justice is fair, universal and neutral. Positivism is concerned about reforming the offenders relatively to the criminal law. Positivists criminology, advocates for in-depth consideration of outcomes of colonization, and its diverse issues for criminology that come up as a result of self-determination and aboriginal political demands.

## How does circle sentencing remove or alter the rights of defendants described by classical theory? Is this a problem?

The circle sentencing is a type of retroactive justice, certainly it in cooperates aboriginal tribal justice and ancient principles. It addresses the damage crime brings to the families, offenders, friend and victims. Classical theories operate from a choice point of view. The main assumption of classical school of thought is that human beings are rational beings, having the ability to choose to adhere to the laws or violate them.
The circle sentencing alters the rights of the defendants by discriminating them. Based on this argument, circle sentencing only accept defendants who have pleaded quality, as well as required to by the social contract of the society. The elders carrying out the proceedings in most cases express their biased personal opinions and values, and these analyses are hard-pressed onto the defendant.
Circle sentencing is based closely on tribal justice, as well as re-integrative shaming carried out by other parties more than the victim is. In this case, the conclusion arrived at, on the circles could be very unfair to the defendant. The shaming by public is used over stigmatization and retribution. Additionally, classical theory asserts that punishments imposed to the defendants is necessary, and must carry equal if not more weight, so as to outweigh the benefits receive by offenders. In the circle, the punishments might not by much extend be hard on the offender, or less than the pleasures the offender received by committing the criminal act. Hence, instead of creating peace and healing, it extends the bitterness.
Despite the violation of rights of the defendant, circle sentencing is the best form of participatory justice, this is because members of the society are directly involved in deciding and responding to occurrence of social disorder and crime. Everyone in the circle has the opportunity tom shape the verdict of the offenders. In fact, the defendant is given a chance to take control of her/his life.

## Identify and discuss three similarities between environmental criminology and Marxism.

Marxism and environmental criminology have some differences as well as similarities. Environmental criminology, studies on how the offenders, crime and issue of victimisation recount, to specific places, and how organizations, and individuals in society shape their day-to-day activities around and within that place. The entire study puts more emphasis concerning crime on place. According to environmental criminologists, place plays a role in generating the occurrence of crime.
Marxist, elaborates on both criminal justice and law, and focuses on the division that exist in society between the labourers and the ruling-class. In every capitalistic society, the bourgeoisie (ruling class) control how production takes place, which gives them a chance to have power legally and economically.
Interestingly, there are similarities between Marxist and environmental criminology. In fact, both believe that crime and criminological aspects go beyond the realm of the individual who commit them. Individuals commit crime because of other external factors and circumstances within him. For example, place and political ideologies are the factors that influence individual to committing crime.
According to environmental criminalists, the cause of crime is the place to which individual lives and socialize. Its external analysis of crime depends on the impacts of other external variables. On the other hand, Marxist believes that individuals commit a crime because of the wicked capitalism production mode. The upper class in society oppress the lower class,
Environmental criminology believes that delinquency and crime is defined by the place. For example, when analyzing crime, they put mush interest on traffic patterns, street design, daily activities, as well as movement of offenders and victims. Marxist, differs from environmental criminology because, it deems that delinquency and crime are clearly defined by those individuals in society who enjoy power.