

The sociology of punishment and the purpose of punishing criminals

[Law](#), [Crime](#)



In this essay, there will be a discussion on " Why we Punish". There will be a brief definition on what punishment is and why they use it on offenders and they will be back up with the four main theory's which the criminal justice uses to put offenders in prison which are rehabilitation, retribution, deterrence and incapacitation.

The definition of punishment is, it is stated that is criminal law any pain, penalty, suffering or confinement inflicted upon a person by the authority of the law of the and the judgement and sentence of a court for a crime or offence committed by the person or for the omission of a duty enjoined by the law (Campbell, 1910). Furthermore, when looking at the punishment it been intact since the early colonial it is been used to deter a criminal from committing another criminal act (Blue&Naden, 2001). On the other hand, Philosophers have countless believe that when applying punishment, it is a requirement in the modern society which we are living in because it a worldwide respond to crime and violence. When looking at what Nietzsche in the book Punishment and rehabilitation, it was that punishment makes us into what we are in life because majority the time you learn from your mistakes. (Blue&Naden, 2001). Also, it was said the famous philosopher Immanuel Kant that he believes that if a person had committed a crime then the punishment should be given to that person which committed the crime. On the other hand, when looking at punishment Cesare Beccaria so said that he believes that if a person takes it out of their time to break the law, the person should be ready to be punished accordingly (Beccaria, 1794). Also, when looking t what David Garland said in his book he stated that punishment is a legal process where a violator of the criminal law is

convicted and authorised with the right legal categories and actions (Garland, 1990).

There is different type of punishment which can be given to people on a various reason and this can be a temporary punishment or a lifelong type and this can be from a parent punishing their children from bad behaviour or even in a workplace by getting a dispensary letter or a judicial system and this is a crime which is committed against the law of the land. Additionally, looking at the aim of punishment is to establish to the public and the victim and the offender that justice has been done to the person and this normally reduced that rate of criminal activity.

When looking at punishment there are four type of traditional goal which has been set for punishment and this thing reproduce the elements if criminal punishment, which they are rehabilitation, deterrence, incapacitation, retribution. when looking at them the three which are commonly used the most in the current society is retribution, rehabilitation and deterrence and they are normally the justification of punishment (Garland, 1990).

When looking and what Anthony Duff it formulated a normative theory of communicative punishment which regards punishment as a form of two-way communication. The first one is that it sent a message to the offender that they have done wrong to the community and it also and that will also create an apology from the offender to the victim and the community (Duff, 2001). furthermore, Duff stated that the hard treatment is an expression of an apology, but it does not necessitate the offender is remorseful, so because of

that punishment potentially have the ability to have the repentance effect of on the offender and also has the positive behaviour change and reconciliation (Duff, 2001).

Retribution

When looking at retribution within justice system it is linking with the justice and that there is an argument that the offender gets what they deserve (Scott, 2008). Also, retribution comes in a different form, so it holds a principle that if you harm another human being then you deserved to be harmed as well (Scott, 2008). Furthermore, when looking at retribution is to prevent future crime by taking away the desire for personal advancement against the defendant (Rev, 2010). Rev also stated that when the victim or society discover that the defendant has been giving an adequate punishment for the crime which they had committed it normally gives then the satisfaction that the criminal justice is working effectively so that means it enhances their faith in the law enforcement and the government (Rev, 2010). on the other hand, when you look at the Rawlsian analysis the is respond to the punishment he said that it protects the good people of the society from mischief and crime and that is it an act of deterrence so in that manner it will reform the criminal behaviour (Rawls, 1995). When also looking at retribution regarding punishment it relates to the bible scripture in Exodus 21:24 its say “ an eye for an eye , a tooth for a tooth , a hand for an hand, a foot for a foot” so when you look at this scripture and the meaning of it is trying to say that when some commits a crime they should pay for it so they can also learn a lesson and also grief as well because their

freedom has been taken away from them. So, for example, if a person was caught stealing a drink in a store and they were given a life sentence that can be stated that is not a justified punishment because I do not fit the crime. Retributive punishment is a learning to process to deter the offender to wanted to do that same crime again because they know what punishment awaits them.

Rehabilitation

When you look at rehabilitation in the society also regarding which we punish it is the most recent theories of punishment with the mindset to reform the offender, the offender is not only be put in prison as for punishment to serve the time they have been given and also to change their behaviour and they will return to the society in good law-abiding citizen. Furthermore, Siegel said that the rehabilitative system holds the view that if a person is treated with care and, he believes that a criminal can be changed into a fruitful law-abiding citizen (Siegel, 2008). Also, when looking the path of punishment within rehabilitation the reason of it is socio-structural in nature because of most of the prisoners after they finish their person sentence they are normally anxious about the difficulties they are expecting in attempts to stop from crime. Esther and Ginneken went out and asked some ex-offenders about what they think about rehabilitation and a prisoner called lace sated that prison does no rehabilitate it makes him angrier, it makes him upset and resentful (Esther&Ginneken, 2016). But on the other hand, they asked the same question to another ex-offender about why they think rehabilitation is a good thing and Tyrone said that it helps them get there head back into

being out of the prison system and it helps them to do what they want to so that they won't go back into the system. He also stated that having rehabilitation it helps them not to rely on someone but to be able to do it independently (Esther&Ginneken, 2016). On the other hand, there were more interviews taking and the ex-offender said that they believe that rehabilitation is beneficial mainly in the section of counselling and have supportive prison officers that help them to be a better person (Esther&Ginneken, 2016). It was also said that the reason rehibition is a good course because it helps them with their self -improvement and it makes them a better person (Ginneken, 2014). Finally, when looking at what Shichor said he said that rehabilitation his said that it should be done in a manner that it serves as a restorative function designed to change the offender's behaviour in the interested is their own happiness, health and satisfaction (Shichor, 1992).

Deterrence

Deterrence is defined as the justification for punishment for the prevention of crime through the fear or danger (Siegel, 2008). furthermore when looking at deterrence and how it helps with punishment is the offender or the individual will never try to commit a crime because they will weight out the consequences of the punishment which they will receive and they will outweigh the benefit of the crime to see if its worthy. When looking at deterrence and the theory behind it focuses on what punishment is all about and what comes out of the prison sentence rather than the satisfaction that the victims get from it. When looking at the research Esther undertook she

asks a prisoner about how a prison should be different, and the prisoner name Audrey stated that they need to have something that will prevent people coming back and there should be an element of fear, so they don't want to come back into prison. So, she stated that according to what she found from Audrey that prison should be tougher to promote deterrence, but research shows that more depriving prison environment may accomplish the reverse of deterrence (Esther, 2016). So also, when looking at deterrence regarding punishment some prisoner believe that it helps them from reoffending and this can be seen in the research Esther undertook in the prison she asked a prisoner called Gerald " do you think there are any effects that prison has had on your life?" and he answered " Yeah, stop me reoffending". So, Gerald experienced imprisonment as a deterrent because of the harm it did to his family he said it makes you realise what it does to them.

Incapacitation

When looking at incapacitation it was stated that it is the second form of utilitarian theory and the goal to prevent a future crime to happen again. So, the simplest means to achieve is to incapacitate those who have trespassed previously (Carlsmith, Darley, Robinson, 2002). Additionally, incapacitation theory it carries less ambitious goals that do deterrence theory. So, the aim is simply to make it impossible for a person which has offended before to offend again because they know the consequences which they will face. This also focus is on restraining the person who must prove himself or herself dangerous (Carlsmith, Darley, Robinson, 2002). Additionally, when looking in

modern society incapacitation as a means of punishment takes in form of incarceration, this has been very actual as it means they have been depriving the liberty of the criminals and this means there is one less crime in the street. Also, Shichor stated that the penal principle ultimately led to the growth in prison population especially in the 1980's(Shichor, 1992).

In conclusion the reason why we punish is to make sure offenders know what they are doing is not right but while they are being punished they are receiving the help they need by my the prison offering the rehabilitation system, furthermore the reason why the government applies punishment is to also make sure that the citizens feel safe in society and they are getting the punishment which they deserve. Also, the purpose of why punishment is applied is that the offenders are regulated toward the law- abiding citizens. while they are doing this the authorities in the criminal justices' system and they also make sure they seek a defensive right of an offender by putting on justified punishment.