

Punishment research paper

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



In this paper I will be discussing the effects of four justifications which include retribution, deterrence, rehabilitation, and social protection. I will be showing you the relation to these types of justifications to today's American society. I will be discussing which type of punishment deters crime most effectively. I will be discussing if the consequences of punishment provide many benefits for crime and society. When it comes to the perception of punishment it involves the state to inflict damage on criminal offenders. However that main question is whether or not punishment should be destructive but whether the presumption of punishment makes sense (Golash 2005). Retributive punishment states that offenders who commit a crime deserve some type of punishment. Validation is resulting from the wrongfully of the crime devoted by the offenders. The punishment that is the deliberate and necessary cause of harm works to terminate the crime (Golash 2005). Punishment is only measured for the wrongfully of the act, not to prevent future unlawful activity. It is believed by Golash that punishment is used to justify victims (Golash 2005). Punishment is a symbolic termination giving attention to the public that a specific crime was immoral rather than a particular termination of the criminal act. Punishment is believed to be an illustration of vindicated anger by the victim's because of the breach of trust commanded by society (Golash 2005). Those who profit from the law have approval to punishment according to the law it is a social dissimilarity among society and its members. As of this social dissimilarity, it would be unjust to allow specific citizens to profit from society without restrictive their own bad desires (Golash 2005). Retributive punishment does not invalidate the crime except the will of offenders that

are offenders will be free lacking self-control and consequently punishment direct the will of offenders toward unlawful activity (Golash 2005). In other words, the victims are never fully return to the position they were prior to the criminal act. The conclusion is that a victim has no right apart from their own right to vindicate the offender's illegal behavior to them (Golash 2005). Criminal wrongs cannot be undone, and doing additional harm to an offender only compounds certain social ills that may be highly correlated with the offender's need for criminal fulfillment. Punishment is not the only alternative to handle criminals (Golash 2005). Retribution demands a consequence, but that consequence does not necessarily implicate punishment (Golash 2005). In the end if the system demands punishment for those who deserve then why those who are are deserve good not receiving good. Retribution is also known as the moral vengeance to satisfy a society to make the offender suffer as much as the suffering caused (Golash 2005). This type of justification for punishment is the oldest of the four different types of punishment (Golash 2005). This type of punishment was designed to satisfy the people's need for a type of closure that satisfied the moral of society (Golash 2005). In principal punishment should be equal in severity to the deviance itself. It all comes down to equal justice and eye for an eye and a tooth for a tooth. The second of the four justifications for punishment is deterrence. Deterrence is the attempt to discourage crime by punishment (Britannica 2012). This idea came about during the eighteenth century. Deterrence is a type of punishment that relies upon examples of punishment made known to everyone ahead of the times before they choose to do an unlawful activity (Britannica 2012). This concept is based on idea that

citizens will not break the law if they think that the pain of the punishment will outweigh the pleasure of the crime. Deterrence theory has established difficult to validate however largely because the presence of many intervening factors makes it difficult to prove unequivocally that a certain penalty has prevented someone from committing a given crime (Britannica 2012). There have been a few examples where some sentences can have a strong deterrent effect. For example laws that are designed to prevent driving under the influence of alcohol and setting a maximum legal limit of blood alcohol levels can have a temporary deterrent effect on a wide population especially when coupled with mandatory penalties and a high probability of conviction (Britannica 2012). There is another form of deterrent that is called denunciation which utilizes public condemnation as a form of community moral education (Britannica 2012). In this approach a person found guilty of a crime is denounced that is subjected to shame and public criticism (Britannica 2012). Its objective is to reinforce their rejection of law-breaking behavior. General deterrence through fear is aimed at those who avoid law-breaking behaviors not on moral grounds but on the basis of a calculation of the potential rewards and penalties involved (Britannica 2012). This type of punishment is much informal and rationale. Theoretically the effectiveness of individual deterrence can be measured by examining the subsequent conduct of the offender (Britannica 2012). Theories of deterrence and retribution share the same idea that punishment should be proportionate to the gravity of the crime, a principal of practical importance (Britannica 2012). If all punishment were the same there would be no incentive to commit lesser rather than the greater offense. Rehabilitation is a

more permanent fix in deterring crime (Larrabee 2006). Rehabilitation through community supervision can have a more lasting effect on individuals and deter them from committing future crime if they learn how to adapt in society by gaining academic or trade skills (Larrabee 2006). These programs can help offenders find employment and secure an important role in the community and give them them a sense of being. Therapy is another form of rehabilitation needed to help deter individuals from committing future crime (Larrabee 2006). Rehabilitation is based on creating a change in criminal's attitudes or resources so that crime is neither a desired nor necessary activity (Larrabee 2006). Some punishment includes work to reform and rehabilitate the wrongdoer so that they will not commit the offence again. This is distinguished from deterrence, in that the goal here is to change the offender's attitude to what they have done, and make them come to see that their behavior was wrong (Larrabee 2006). Form of rehabilitation through community supervision may also benefit a victim or their families such programs and have high hopes of deterring individuals from committing such acts (Larrabee 2006). By allowing criminals to be rehabilitated instead of incarceration it helps to eliminate problems that inmates experience once released from prison. Allowing someone to probation instead of jail time allows families to stay together. When people are incarcerated it causes families to go from two parents to a one parent family, causing hardship, stress, and problems in the family structure. This program was designed to reform the offender to prevent later offenses (Larrabee 2006). This idea rose among social sciences in the nineteenth century that proved to be an effective solution. If you can control the environment that criminal or

lawbreaker of some sort lives in, you can deviate from their normal society (Larrabee 2006). Reformatories or houses of correction provided setting where people could learn the proper behavior. One example of rehabilitation is when someone is caught and arrested for driving under the influence of alcohol they are sentence to attend Alcoholic Anonymous meetings rather than jail time (Larrabee 2006). Once they have completed the rehabilitation through the proper reformatory chosen for them they can choose to stay on the same path of freedom contributing to society or go back to their old habits (Larrabee 2006). Rehabilitation is the most forgiving and positive punishment of the four justifications discussed because it promises the offender a second chance at life (Larrabee 2006). Unlike retribution, which demands that the punishment fit the crime, rehabilitation tailors treatment to each offender. The final option for a justification for punishment is the term societal protection. This favors the society by rendering the offender incapable of further offenses temporarily through imprisonment or permanently by execution (Stephens 1990). This option of punishment differs from rehabilitation in that no special treatment is given to the offender in hopes to change him. His surrounding is a set area in a cell or execution chamber that many have used before him which protects society (Stephens 1990). This method can help be helpful to the offender giving the offender a chance to reform and a promised second chance. The United States currently incarcerates close to 2. 2 million offenders in jail. As “ in the Times explains, the crime rate has gone down in recent years, but the number of offenders locked up across the country has gone up, tripling since 1980 (Stephens 1990). This type of punishment does what is necessary to

protect society as a whole from the criminal. This could mean death, or complete removal from society (Stephens 1990). So the question is which one of these deters crime the most efficiently in today's society. With the different views available as well as my personal views, it is difficult to choose just one type of punishment as the most effective method of determent. I can say however, that I would like to see Rehabilitation efforts made more widely available for Juvenile Offenders as I feel that this will enable them to have a much better grasp on what life is as well as allowing them to change their lives positively. While for adult offenders (serious crimes), I would not mind seeing harsher penalties in many cases. Certain punishments are more effective on certain crimes. And certain punishments are more effective on certain people (Black 1998). Some criminals should be punished to remove their incentive for committing crimes. But there are some criminals who just need to be removed from society to prevent them from preying upon society (Black 1998). Obviously for lesser crimes, lesser punishments should be delivered. Punishments (if at all possible) should reflect the crime committed --- such as scrubbing walls for " graffiti artists", picking up trash for litterers, etc. Not enough of this is done. Punishments should not punish society if alternatives are available (Black 1998). Jailing everyone (as is now practiced extensively in the U. S. A.) also punishes society --- tax money is used. Whippings and public service are excellent punishments and (at least whippings) are not practiced in the U. S. A (Black 1998). But where they are practiced, crime is lower. These forms of punishment also do not cost the taxpayers a lot of money. For most criminals, the threat of " adequate" punishment will deter them. " Adequate" does not include sitting on one's

bum all day with free meals and a warm place to sleep --- not to mention watching television and playing video games (or whatever else jails provide these days) . But then, on the other side of this argument is the fact that far too many people are made criminals for things which should not be a crime. I once heard of a woman being jailed for overdue library books --- beyond absurd (Black 1998). And, at least in one municipality, they wanted to make jay walking a jail able offence --- again way beyond absurd. Real criminals belong in the jail not jaywalkers, people who get into fights, marijuana smokers, etc. Do punishments for murderers and rapists and the like provide any benefits for the criminals and society? Absolutely it does. It keeps violent criminals off the streets. Does it provide benefits for those convicted of drug crimes? While they're in prison, they've got a roof over their heads, food, and other things. Don't get me wrong: people are treated like animals in prisons. But if you come from violent, hard knock surroundings anyhow, I dunno... maybe in some cases. Does sticking people in prisons who are convicted of drug crimes provide benefits to society? It gets drug users and small time dealers off the streets, but we have to pay for their food, clothing, and housing for 15+ years. My personal opinion: When even hard drugs like coke and heroin are cheaper than most medicines, then maybe our definition of "criminal" needs a harder look. In conclusion the four types of justification for punishment including retribution, deterrence, rehabilitation, and societal protection are all effective ways our society deals with lawbreakers. Each of these justifications is an attempt to protect society by ensuring proper punishment is carried out. Since crime has statistically dropped in the past 20 years we can conclude that our justice system has a positive effect on

crime REFERENCES Stephens (1990) High-tech crime fighting Futurist, Jul/Aug90, Vol. 24 Issue 4, p20-20, 6p, 3 Black and White Photographs, 2 Illustrations received on October 28, 2012 Black (1998) Do Right-to-Carry Laws Deter Violent Crime? Journal of Legal Studies, January 1998, v. 27, iss. 1, pp. 209-19 received on October 28, 2012 Larrabee (2006) Punishment vs. Rehabilitation in the criminal justice system received on October 27, 2012 from <http://voices.yahoo.com/punishment-vs-rehabilitation-criminal-justice-119962.html?cat=17> Britannica(2012) General Deterrence received on October 27, 2012 from <http://www.britannica.com/EBchecked/topic/483544/punishment/272339/General-deterrence#> Golash (2005) The case against punishment: Retribution, crime prevention and the Law New York: New York University Press, 2005. 240pp. Vol. 15 No. 3 (March 2005), pp. 234-237 received on October 26, 2012 from <http://www.bsos.umd.edu/gvpt/lpbr/subpages/reviews/golash305.htm>