

Punishment philosophy essay

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



Philosophy is the study of the types of punishments that government imposes on individuals who participate in criminal offences. Punishment philosophy entails an intensive analysis of punishment procedures and their effectiveness in rehabilitating the victims that undergo the punishment process. Many philosophers have come up with varying versions that explain the theory of punishment. Some philosophers have come out strongly to detest the act of punishing criminal offenders. They argue that punishment does not help in changing the morals of a criminal. According to these philosophers, punishment can only be effective on criminals who are in their early stages of criminal life. However, punishment is ineffective in mature criminals. Other philosophers argue that it is possible to have a society without punishment if all individuals decide to uphold positive morals towards each other and authorities in the society.

However, this has failed in most societies. People often find themselves at loggerheads with the authorities because of varying factors. Some of the factors are intrinsic, while others are extrinsic. Punishment entails the imposition of something negative or non pleasant such as corporal action and financial penalties, on an individual or animal, because of the individual's involvement in an activity that an authority views as a wrong. Authority may constitute an individual, a group of persons, government or a community.

How punishment philosophy affects the criminal justice post conviction process

The post conviction process constitutes of the actions that criminals take such as filing attacks to the judicial system, in an attempt to overturn

decisions and punishments that the judicial system has made to the criminals. The post conviction process is a separate entity from the criminal case. A criminal has a right to pursue a post conviction process, especially if he is not in agreement with the criminal judgment that a judicial authority has made on the criminal case.

Punishment philosophy has a massive impact on the activities in the post conviction process of criminals and the criminal justice system.

First, the intensity of the punishment that a court imposes on a criminal offender determines or influences the likelihood of such an individual, to pursue a post conviction appeal. A criminal may feel that the penalty or punishment that a court has given him does not match with the crime in which he participated. As much as the government sees the penalties as realistic, individuals may feel that the punishment system is unfair. This will trigger such persons to pursue post conviction appeals.

Relation between sanctions and punishment philosophy and its use in criminal justice

Sanctions are penalties or any form of enforcement that institutions use to ensure adherence to the law, rules and regulations. They are restrictions that institutions implement as a way of maintaining law and order in the system. This could be in a country, community, organization or group.

Sanctions may come in the form of punishments. Punishments could be in terms of financial fines, corporal punishment or incarceration. Punishment philosophy has a strong interrelation with sanctions. For instance, many forms of criminal punishments come in the form of sanctions.

Sanctions are highly applicable in the field of criminal justice. Governments

tend to impose sanctions to different forms of criminal offences in society.

For instance, a government, through its judicial system, may impose a sanction of 50 dollars on any individual who commits a rape case.

Institutions use sanctions as a tool of restraining people from indulging in criminal offences, under the criminal justice.

Sanctions have proved to be an effective tool of regulating behavior in society, more than any other form of restraining criminal activities. Rational individuals get wary of the sanctions that the government has attached on different criminal activities.

References

Cryer, R. (2007). *An Introduction to International Criminal Law and Procedure*. Cambridge: Cambridge University Press.

Larry K. Gaines, R. L. (2011). *Criminal Justice in Action: The Core*. New York: Cengage Learning.

Terance D. Miethe, H. L. (2005). *Punishment: A Comparative Historical Perspective*. Cambridge: Cambridge University Press.