

Reflective analysis of contemporary punishment in the canadian society



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The Reflective Analysis of Contemporary Punishment in the Canadian Society

Punishment derives from the support of social collective goal that intends to remove criminals and incarcerate dangerous people for their actions. The punitive enforcement of social norms in contemporary western capitalist society have developed strategies to control individuals who are judged and punish them by indeterminate prison sentences (Pratt, 2000, p. 35). To what extent is it legitimate in Western societies to punish an offender for the kind of person they are judged to be and to detain an offender on the assumption that they might commit a crime in the future (Pratt, 2000, p. 35). The authority that punishes comes from judicial discretion and political discretion which implement authoritative power dynamics and shared values which enforce ideas of punishment over others. Canada has systematically given up its legal right and moral obligation to control the dangerous economic elites. The strengthened state power has criminalized those at the bottom of the increasingly unequal class hierarchy. Crime committed by powerless individuals are seen as threatening to the public but corporate crime is formed to be seen as normal, rationalized and untruthful (Snider, 2001, p. 127). Judicial punishment is built on the premise that an individual must maintain the rights to a fair trial and political punishment are enforced by the political mandate which typically enforces coercive punishments (Pratt, 2000, p. 40).

Punishment is important to society and the state because it functions to incorporate forms of suffering, deprivation, and public humiliation as a spectacle of sovereign power. Many forms of punishment do not provide

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individuals to the right to a fair trial and the nature of punishment is formed by the role of justification that creates different forms of coercion. The infliction of harsh treatment is justified because of punishment and justifications manifest through economic, cultural, and racial inequalities. Corporate abuse of power and its disappearance in law has transformed business, politics and society and has shifted perceptions of punishment which has allowed corporations to abuse their power (Snider, 2001, p. 112). As a result, external social constructions influence the implications on the form of a individuals punishment and people are punished for who they are rather than for what they did (Snider, 2001, p. 113). The neo-liberal rationality of punishment argues that punishment applies to those who exploit the capital system through criminality. However, Snider argues that, “ in law, other formerly criminal activities have been completely deregulated, had their legal sanctions removed and are not inherently wrong” (Snider, 2001, p. 112). In the contemporary Canadian society, the shrinking of crime control and the government has meant that people are held responsible for their actions even if they do not have the financial needs to sustain themselves. Neo-liberal views now promote free state rationality and this enforces the idea that individuals will not be punished if they responsible citizens of the state (Snider, 2001, p. 113). Punishment then serves to target the unequal more harshly than the authoritative powers of the state which promotes the idea that criminals are negligent and do not uphold the rules and regulations of the law.

Punishment has transformed and incorporated race, class, and gender into the framework of the legal system. Pre trial detention, bail, and plea

bargains target specific minority groups and crime is formed through the sanctions formed by the federal, provincial, and municipal laws which shift societies perceptions on the criminal identity. The risks posed by dangerous offenders not only seem to grow but seem to be beyond the capabilities of the modern state to manage. In these respects, the increasing reliance on dangerousness laws illustrate the way in which it has become a much more general form of penal power and of the way in which the boundaries of modern penalty are now being breached in these latest bids to govern the dangerous (Pratt, 2000, p. 47). The government adopt punishment from the principles of direct social action, moral sense making, and symbolism of penalty which shape the uses and meaning for punishment. Punishment is presented by culture and punishment acts as a generator for cultural relationships which helps to distinguish the moral from the abnormal (Garland, 1990, p. 249). The communication of penalty is generated through the media and creates symbolism and meaning to the public. The role of media in punishment is to manifest different forms of public opinion and as a result the implications for government policy transform. The expression of punishment is formed on the premise of the deterrence of offenders and as a justification of punishment to the public (Garland, 1990, p. 250).

The criminal justice system and the penal institutions have created importance and the spectacle of punishment has influenced how we understand court drama, architectural symbolism, and social authority that influences the criminal system. The expression of punishment has formed through the political approach to target people through emotional and targetive rhetoric which appeals and persuades people. As a result, political

parties use tactics to reassure government power and uphold authority and legitimacy in society. Canadians have recently seen signs of the politicization of crime, the reduction in reliance on expert advice as an informed and moderating voice and growing promotion of prison as an effective solution to crime. The Conservative government has introduced harsh criminal justice legislation characterized by greater use of imprisonment, increased reduction in judicial discretion and a more punitive philosophy of corrections (Webster & Doob, 2015, p. 300).

Parties appeal to the people only when they want to promote their own personal values and be tough on particular crimes. Public attitudes towards offenders and appropriate state responses to crime tend to follow the lead of politicians. The discourse of policy-makers is rendered especially salient in influencing public views (Webster & Doob, 2015, p. 301). Senior government officials, politicians and political staff are responsible for criminal justice policies which shape how we develop, think and implement punishment (Webster & Doob, 2015, p. 303). Cultural values form through discourse and the politicization of crime creates system of punishment which is more punitive on crime and forms a perception that the offender embodies a permanent criminal identity (Garland, 1990, p. 253). Criminal justice policies for harsh punishment were once believed to be an effective method in reduction of crime. Incarceration was a strategic platform for the government to make the public believe that it would increase public safety against potential offenders. As a result, the public understood the prison system as a viable plan of action in reducing overall crime and reoffending (Webster & Doob, 2015, p. 311-312). Crime is now viewed as the result of

rational decision making by immoral or ‘ bad’ individuals who are considered not only beyond hope or redemption but also unworthy of compassion or even tolerance. Consequently, appropriate punishment must be severe enough to deter others and protect law-abiding citizens (Webster & Doob 2015, p. 314).

References

- Garland, D. (1990). Punishment as a cultural agent. *Punishment and modern society* (pp. 249- 276). Chicago: University of Chicago Press.
- Pratt, J. (2000). Dangerousness and modern society. In M. Brown & J. Pratt (Eds) *Dangerous offenders: Punishment and social order* (pp. 35-48). London: Routledge
- Snider, L. (2001). Abusing corporate power: The death of a concept. In S. C. Boyd, D. E. Chunn,& R. Menzies (Eds.), *(Ab)using power: . The Canadian experience* (pp. 112-129), Winnipeg: Fernwood Publishing
- Webster, C. M., & Doob, A. N. (2015). US punitiveness ‘ Canadian style’? Cultural values and Canadian punishment policy. *Punishment & Society, 17* (3), 299-321.

Directions:

-This assignment is an analytical and reflective essay about why we punish, and why punishment

is important to us. The importance and meaning of punishment in contemporary Canadian society.

-Explain your chosen theoretical tool(s) and/or concept(s) by illustrating them through

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contemporary rationales and/or justifications for, approaches to, as well as examples of, punishment.

-You may also include relevant historical considerations (i. e., that are linked to or influence contemporary practices and/or perspectives).

Tips:

In the first paragraph, clearly identify the following:

1. The texts you will be drawing on to formulate your argument/critique. (The articles should be purposefully chosen.)
2. The thesis/main argument of your reflection.
3. Main, key ideas/arguments that will be made in the remainder of the paper.

In the following paragraphs, provide:

1. A critical analysis of the texts. DIG DEEP.
2. Connections to key concepts in the course.
3. Your voice. Based on our discussions to date, discuss what you think about the importance and meaning of punishment in contemporary Canadian society.
4. You should be responding to, and integrating in, the course literature you have chosen.

[What are the arguments/contributions of the texts? Do you have any questions or

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concerns? Are there gaps in the arguments or analysis? What were the things you found

interesting, unsettling, questionable, significant, insignificant...?]