

# Philosophical and sociological aspects of crime and punishment

[Philosophy](#)



**ASSIGN  
BUSTER**

## Philosophical and Sociological Aspects of Crime and Punishment

Philosophical and Sociological Aspects of Crime and Punishment Throughout humankind's history, has there been a concept referred to as crime, or is the ideal of punishment a means of alleviating the freedom of individuals? To answer this question, it is imperative to borrow knowledge from the realm of philosophy and sociology as they assist individuals in understanding the broad aspects associated with the society. Law is an indispensable tool in the society in governing the behavior of individuals in order for the society to behave in accordance with the system of rules characterizing the society. Kant's ideology on crime argues that neither a state nor a society is able to exist without regulations as he states, without law there lacks a state or a society. In this case, the law forms an imperative foundation to a society and thus enforcing a law means the protection of the society. Any individual who violates the law tends to lose the right of being a member of the society and is against social order, and as a result must be punished (Murphy, 1994). The philosophical reflection on punishment assists criminologists, sociologists, and penologists to acknowledge the rehabilitative effects of programs prevalent in prisons. Kant offers invaluable knowledge in relation to the realm of punishment and crime. According to the proponent, punishment is validated if the criminal has committed a crime. Many theories contrast this argument, for instance, and the Utilitarian approach demonstrates that punishment is vindicated by the good it brings to the community. In Kant's view, the utilitarian theory is implausible in various ways. He believes that the theory treats offenders as means to the good of others and that the theory might punish innocent lives due to the good it

passes to the society. To Kant, this is a sort of injustice, and in reference to his argument, he states how much the offenders should be punished. The offense committed by the offender should equal the punishment given to the criminal (Murphy, 1994).

Kant's retributive theory associated with punishment asserts that retribution is not justified by any good outcome, but by the offender's guilt. Offenders must pay for their criminal activities; otherwise unfairness as occurred. Consequently, the punishment given to the offender must fit the crime committed and thus the punishment for taking the life of another individual is equivalent to the death of the murderer (Ripstein, 2009). Therefore, punishment must be administered at all times because an individual has committed a crime.

According to Kant philosophy, the authority to administer punishment belongs to the sovereign whose work is to punish offenders. Consequently, the proponent argues that it is unfeasible to punish the ruler as the right of administering punishment belongs to him. Consequently, Kant argues that a leader can retire from the throne but is not subjected to the punishment. Thus, Kant's definition of crime is from the above discussion whereby crime is regarded as an infringement of social laws such as those crimes committed against the society and thus is subject to punishment. Hence, the individuals who adhere and observe societal rules are considered to be society members while individuals who commit criminal activities tend to lose the right of becoming society members and it is thus imperative to punish them (Ripstein, 2009).

## References

<https://assignbuster.com/philosophical-and-sociological-aspects-of-crime-and-punishment/>

Murphy, J. G. (1994). Kant: The philosophy of right. Macon, Ga: Mercer University Press.

Ripstein, A. (2009). Force and freedom: Kants legal and political philosophy. Cambridge, Mass: Harvard University Press.