

Effects of punishment on american society



Deviance refers to an act which violates the norms of society. It includes any act committed by anybody - called a deviant - which does not fall under the accepted standards of society. A deviant is usually considered by society as different or atypical or someone who does not conform to the rules. In referring to a deviant, Macionis (2006) used the term " outsider. "

When society enacted a set of laws in order to set up a system of controls and contain deviance so as not to endanger or jeopardize the lives and properties of its members, any violation of such laws is called a " crime. Defined by Macionis (2006) as " the violation of a society's enacted criminal law," crimes have been classified into three main categories, namely: " crime against the person" - this includes murder, manslaughter, aggravated assault, or robbery; " crime against property" like burglary and larceny theft; and " victimless crimes" or criminal acts that do not directly victimize other people such as using prohibited drugs, gambling, or engaging in prostitution (Macionis, 2006).

The United States deals with criminal acts through its criminal justice system which is a set of procedures which provides for the prosecution of accused offenders and the punishment of convicted criminals. Although everybody agrees that it is necessary for society to prosecute offenders and penalize convicted criminals, the method and degree of punishment has been the subject of debate which has been raging in the country for years already. So far, four types of punishments or justifications for punishment have already been identified, namely: retribution, deterrence, rehabilitation, and societal protection.

The current debate is centered on which of the four should be adopted (Macionis, 2006). Retribution, according to the ' Summing Up Table' found on page 182 of the text, has been society's earliest justification for punishment. Retribution was based on the popular saying " an eye for an eye" which was picked up from the Holy Bible and which required that the offender should be given a penalty equal to the crime committed. In other words, if the offender killed someone, he or she must also be killed or executed. It has been a popular belief that those who promote retribution as a punishment for crime are motivated by vengeance (Macionis, 2006).

Deterrence is an " early modern approach. " Proponents of deterrence believe that man is not only a sensible creature but is also interested in self-protection. This type of punishment is based on the belief that if would-be offenders are made to understand that the punishment for a certain crime is more severe compared to the benefits derived from it, he or she would be discouraged or deterred from committing the act. Deterrence has two forms. Specific deterrence is achieved when a certain individual has been fully convinced that " crime does not pay.

On the other hand, when the individual who is being punished is made as an example for others to learn from, a general deterrence is said to occur (Macionis, 2006). The third type of punishment is rehabilitation. This is a " modern strategy" which was created by the social sciences which consider deviance as a " result of social problems (such as poverty) or personal problems (such as mental illness). " Social scientists argue that if deviants are a product of deteriorating social conditions, it follows that improving such social conditions could result to the rehabilitation of offenders.

Thus, rehabilitation consists of programs aimed at providing offenders with better social conditions so that they would not be committing more crimes in the future. Rehabilitation programs are being conducted in houses of correction or reformatories where offenders are taught how to properly behave when they are sent back to society (Macionis, 2006). Societal protection, the fourth type of punishment, is another modern strategy. Advocates of societal protection believe that it is easier achieved than rehabilitation.

This is specifically effective, according to them, if society is either not capable (in terms of resources) or not inclined towards rehabilitation programs. The protection of the people or society as a whole could be achieved simply by getting rid of offenders either by imprisonment or execution. Specifically stated, this type of punishment protects society by “rendering an offender incapable of further offenses temporarily through imprisonment or permanently by execution.” In other words, the method is not important as long as criminals are separated from society (Sutton, 2000 and Sentencing Project, 2004 as cited in Macionis, 2006).

Retribution is an ancient concept but many Americans today are still in favor of this type of punishment. They are advocating death penalty because they believe that those who have committed heinous crimes like murder should be made to pay for their crimes with their own lives. However, instead of classifying death penalty under retribution, they are already referring to it as deterrence. According to them, death penalty is an effective tool of discouraging would-be murderers because of the fear of being executed. Some observers, however, negate this claim.

According to them, empirical studies have shown otherwise. In fact, it has already been established that aside from failing to deter murders, the death penalty is not even the most effective type of punishment as far as protecting society is concerned. Opponents argue that if the objective is only to safeguard society, death penalty is meaningless and excessive because protection is already achieved when offenders are placed behind bars (Reiman, 1990). Religious leaders, meanwhile, have taken opposing views, especially with regards the morality of death penalty.

The bishops of the Roman Catholic Church have expressed their fear that imposing the death penalty would ultimately result to a decadent society. Specifically, their spokesman, Cardinal Bernard Law, said that “ The question turns on what does capital punishment do to us as a society rather than what does it do to the perpetrator of the crime. ” Taking a different view are some Protestant leaders who are trying to rationalize death penalty by referring to Paul’s mention of “ the sword of the state” in Romans 13 as a justification of the right of government to execute convicted criminals (Marquand, 1997).

On the other hand, it was observed that while many Americans believe that deviance could be controlled by the act of punishing offenders, there are those who believe that punishment is probably less effective as a deterrent than other means of control. They argue that punishment “ is an ineffective vehicle of social control [being a] ramplex of attitudes centered about social revenge, having as component parts strong sanctions and retributions through a severe system of penalties and punishment.

In other words, according to this school of thought, controls based on vengeance could never deter crime because of their negative effects on

offenders' families, especially the families of those who were unjustly accused of crimes and convicted mainly because of the unfairness of the criminal justice system (Schultz and Allen, 1967). This observation was in fact buttressed by the observation that in spite of government programs to build more jails and imprison as much offenders as it could convict, recidivism - or the tendency of released inmates to return to their criminal ways - have also increased as much as 85%.

The reason being advanced is that inmates tend to be angrier after their release and want to direct such anger towards society (Herendeen, 2000). Some Americans instead consider rehabilitation as the best approach. This was proven by the New Jersey Department of Corrections. It conducted a study which examined the effect of a General Educational Development program (GED) on recidivism in an attempt to answer the question " Does correctional education have an impact on rate of recidivism? A sample of inmates who attended the GED from 1999 - 2000 while in prison was compared with a matched sample of those who did not take part in the GED.

The study found that the GED participants had a much lower level of re-offending than those who did not attend the GED. In other words, less GED graduates were re-arrested, convicted, and brought back to prison. This finding indicated that inmates who attended the GED were more successful in rejoining society (Zgoba, 2006). However, Herendeen (2000) explained that rehabilitation programs like the GED would never suffice.

He recommended an additional program which calls for the hiring of qualified counselors to help inmates in their emotional and moral rehabilitation and growth so that they would be able to re-enter society " with changed hearts

and minds. " When asked if such an additional program would benefit every released inmate, Herendeen immediately replied that it would not. Still, he insisted that the effort would be worth it if only for the sake of the number of inmates in the country which had already reached two million as of 2000 (Herendeen, 2000).