

# Punishment research paper essay sample



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According to Macionis (2006), any act done in violation of the norms set down by society is called a deviance and the person committing it a deviant. A deviant, also called an “outsider,” is considered atypical – meaning that he or she is a nonconformist or that he or she does things without regard to the accepted rules of society. With the establishment of laws which were meant to provide “social control” for the purpose of containing acts of deviance and thus protect the lives as well as properties of the members of society, the violations to such laws were referred to as “crimes.” A crime, therefore, is an act of deviance or a “violation of a society’s enacted criminal law.” There are three general categories of crimes. The first category is “crime against the person.” Included under this category are the crimes of murder, manslaughter, aggravated assault, and robbery. The second category is “crime against property.” Examples of crimes against property are burglary and larceny theft. The final category is “victimless crime.” As its name suggests, this category refers to crimes that do not directly victimize people like the act of engaging in substance abuse or engaging in prostitution and gambling activities (Macionis, 2006).

Crimes committed in the United States are dealt with under its criminal justice system. Rules were established to govern the prosecution of people accused of committing crimes and then those who are found guilty by the courts are made to serve their punishments within the penal system of the country. There is no debate concerning the necessity of prosecuting suspected criminals and punishing the guilty – the American society is in complete agreement regarding these issues. What divides the country is the form of punishment that should be adopted as well as the justifications for

such punishments. The four types of punishment which have so far been identified over the course of history are *retribution*, *deterrence*, *rehabilitation*, and *social protection*. The debate, therefore, is which of these four types of punishment should be employed in the country (Macionis, 2006) .

According to the “ Summing Up Table” on page 182 of the text, *retribution* was society’s earliest justification for punishing offenders. Retribution was supposed to have its roots in the Holy Bible where the saying “ an eye for an eye” was first found. Under this type of punishment, the penalty should approximate the offense. For instance, a person who has murdered someone should also be punished with death. However, the popular belief is that retribution was not practiced just to punish an offense but was actually done as an act of vengeance (Macionis, 200).

The second type of punishment is *deterrence* . This is described as an “ early modern approach” because it surfaced fairly recently. The advocates of deterrence believe that man is a sensible being whose one primary motivation is self-protection. In other words, according to this concept, if given a choice, man would always avoid being harmed physically and emotionally. Their theory, therefore, is that once offenders realize that the punishment for committing crime is more severe when compared to the benefits that they could possibly reap out of committing it, the prospective offender would effectively be dissuaded from resorting to crime. Deterrence has two forms. *Specific deterrence* means that a certain would-be offender becomes convinced that being a criminal does not pay. The second form is called *general deterrence*. This simply means that an offender who is

punished (usually severely) for a crime is made an example to other would-be offenders in order to discourage them from doing what he or she did (Macionis, 2006).

*Rehabilitation*, the third type of punishment, is considered to be a “modern strategy” which was devised by the social scientists. They hypothesized that crime or deviance is a “result of social problems (such as poverty) or personal problems (such as mental illness).” Proceeding from this line of reasoning, these social scientists argued that since deviants or criminals are products of worsening social conditions, offenders could be rehabilitated by improving their social conditions. Rehabilitation, therefore, consists of programs aimed at reforming offenders by exposing them to improved social conditions. Rehabilitation programs take place in “houses of correction” or “reformatories” where offenders are tutored on the proper social behavior so that they would know how to behave when the time comes that they are allowed to rejoin society (Macionis, 2006).

The fourth type of punishment is another modern strategy. *Social protection* proponents claim that this type of punishment is much easier to achieve when compared to rehabilitation because of the resources, time, and effort involved in the latter. According to them, social protection is preferable when society is unable or is not inclined to carry out rehabilitation programs. According to Macionis (2006), social protection is simply “rendering an offender incapable of further offenses temporarily through imprisonment or permanently by execution.” In other words, what matters is for offenders to be separated from society to protect it from their criminal activities regardless of the method used. Social protection, therefore, could be

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achieved either by incarceration or by imposing the death penalty (Sutton, 2000 and Sentencing Project, 2004 as cited in Macionis, 2006).

Of the four, the most ancient concept is retribution. However, many believe that it is still being advocated today – in the form of capital punishment or death penalty. Those who favor capital punishment insist that convicted murderers should pay for their crimes with their lives. Simply put, the same ancient eye for an eye concept mentioned in the Holy Bible. The only difference, though, is that death penalty is no longer referred to as retribution but is now being peddled as a deterrent punishment. Its advocates contend that imposing the death penalty deters would-be offenders from committing crimes which are punishable with death for fear of being executed. This claim, however, is being contested by opponents of the practice who argue that the evidence supplied by empirical studies does not support its deterrent effect. According to them, aside from failing to deter crime, the truth is that death penalty could not even be considered as the most effective type of punishment for crime. If the only objective of punishment is to protect society, they argue, this objective is already accomplished when offenders are sent to prison – death penalty, therefore, is not only viciously unnecessary but meaningless as well (Reiman, 1990).

Many Americans, however, reject the idea of simply incarcerating offenders and abhor killing convicted criminals. For them, offenders should be rehabilitated and allowed to rejoin society. Advocates of rehabilitation cite the study which was conducted at the New Jersey Department of Corrections which examined the effect of a General Educational Development program (GED) on the rate of recidivism. The study, which was conducted to

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investigate the impact of “ correctional education” on the tendency of released inmates to recommit crimes, had two sets of samples of inmates who were released from prison between 1900 and 2000. The first sample consisted of inmates who finished a course on GED and the second sample was composed of inmates who did not participate in the GED during their stay in prison. The study found that the graduates of GED showed a much lower rate of recidivism when compared to the inmates who did not participate in the GED. In other words, proponents of rehabilitation explained, the GED was successful in that it helped released inmates lead a normal life when they rejoined society (Zgoba, 2006).

Herendeen (2000) agreed with this view with reservation. According to him, a rehabilitation program like the GED is not adequate enough and should be complemented by efforts aimed at the emotional and moral growth of the inmates. He proposed the hiring of qualified counselors who would attend to inmates so that they would leave the prison with “ changed hearts and minds” and rejoin society as competent members and gainful contributors.

Not all Americans, however, agree with the concept of punishment as a means of controlling deviance. They maintain that punishment smacks of punitiveness and revenge. Therefore, it could never be an effective tool for exercising social control because it effectively alienates offenders and their families, especially the families of those who were wrongly accused of crimes or were unjustly convicted due to some inherent defects in the criminal justice system (Schultz and Allen, 1967). Herendeen (2000) agreed with this argument. He observed that while government is doing everything to construct additional jails to accommodate the growing number of offenders, <https://assignbuster.com/punishment-research-paper-essay-sample/>

the rate of recidivism – or the tendency of offenders to recommit crimes once they are released from prison – have likewise increased by as much as 85 percent, thereby rendering imprisonment to a useless expense account. He attributed recidivism to the fact that released convicts harbor even “greater anger and cynicism toward society” after being punished and want to get back on society as soon as they are released from prison.

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