

**TYPES and PURPOSE of PUNISHMENT
* KEY LANGUAGE**

1	Deterrence	Purpose – Reduction To make an example of people. It has an instrumental motive - punishment is a means to an end. Example- Thatcher’s Short-Sharp Shock
2	Rehabilitation	•Purpose- Reduction •This is the idea that prisoners can be reformed so they no longer offend. •Eg. Anger management, education
3	Restorative Justice	Purpose- Compensation/Restoration To force criminals to make amends to the victims they have harmed.eg meeting them to say sorry.
4	Incapacitation	Purpose-Reduction To take criminals out of society eg prison/ death sentence to protect the public.
5	Retribution	Because the criminals deserve to be punished for their crimes –just Desserts.
6	Boundary Maintenance	To reinforce the social norms and values and remind people of what is acceptable. Eg naming and shaming.

FUNCTIONALIST PERSPECTIVE on PUNISHMENT

1	Key idea	The function of Punishment is to maintain social solidarity and reinforce a shared value system. Punishment is primarily expressive - it is an expression of moral outrage. Public trial and punishment help to reaffirm the moral boundaries and unite people in a shared sense of morality.
2	Retributive punishment	Violent and expressive motive eg banishment Occurs in traditional societies where there is little specialization and a need for people to follow norms.
3	Restitutive punishment	Seeks to restore collective conscience via rehabilitation. Occurs in modern societies where more specialisation and solidarity is based on interdependence.
Evaluation of Functionalist Perspective on Punishment		
1	Weakness	Traditional societies, in reality, often have restitutive rather than retributive justice eg compensation may be given as a settlement, for the murder of one clan member by another, rather than execution.

MARXIST PERSPECTIVE on PUNISHMENT

1	Key idea	ALTHUSSER: Laws area reflection of ruling class ideology and punishment is part of the repressive state apparatus which keeps people in line and in their place.
2	THOMPSON (77)	In the C18th there was a rule of terror by the aristocracy over the poorer sections of society . They used transportation to the colonies and hanging.
3	RUSCHE and KIRCHEIMER (77)	The form of punishment reflects the economic base of society . Under capitalism- imprisonment is the dominant form of punishment as we still require people to work for the economy. the prisoner is a source of human labour.
	MELOSSI and PAVARINI (81)	Prison reflects the capitalist relations of production <ul style="list-style-type: none"> Capitalism puts a price on worker’s time.Criminals also “do time” to “pay” for their crime. In both work and prison individuals lose their liberty and are made to feel subordinate.

Evaluation of MARXIST Perspective on Punishment

1	Strength	Working class people do tend to receive more punishment than white collar criminals according to PRC figures.
2	Weakness	Much has changed in a Postmodern society- both prisoners and workers do not face the same type of subordination and prisoners and workers have more rights today. Also greater emphasis on wellbeing and rehabilitation not retribution.

See the powerpoints for more depth and detail- Part of Topic 3 on Crime Prevention, Punishment, Surveillance, Victims and CJS.

ROLE OF PRISONS

1	Before the C18th:	Prison was a place to hold people awaiting further punishment eg flogging or hanging
2	Following the Enlightenment	Prison was viewed as a punishment in it's own right – given hard labour and religious instruction.
3	Modern liberal societies	Prison seen to be the worst punishment of all.* excluding death penalty in USA. GARLAND: in the 1950s the state practised 'penal welfarism' –in which the criminal justice system did not just try to catch and punish offenders, but also tried to rehabilitate them.

Trends in Imprisonment: GARLAND

1	Key idea	There has been a shift in penal policy; Penal welfarism – promoting reintegration of offenders into society ... TO A new consensus-based policy on punitive and exclusionary “tough on crime” policies.
2	Populist punitiveness	has been a vote puller in General elections since the 1980s.ie politicians seek support from the electorate via calls for tough sentences.
3	Actuarialism	Not concerned about the causes of offending -now an emphasis on technologies of risk minimization and the elimination of potential threats to social order. This has led to the systematic imprisonment of whole groups of the population.eg young black males.
4	Mass Incarceration	<ul style="list-style-type: none"> we are moving towards the incarceration of large groups in our society- especially a problem in USA-over 2m in prison. Since about the year 2000 the world prison population total has grown by almost 20% DOWNES (2001)This may have an ideological function. Capitalism looks more successful
5	Transcarceration	Some individuals may find themselves moving from one carceral institution to another during their lifetime eg. In care, YOI, prison, mental health unit It reflects the blurring of boundaries between the CJS and welfare systems.
6	Diversion	There have been moves to divert people away from prison eg curfews, community service orders BUT also more controls (COHEN) eg ASBOs Alternatives to prison- other cultures eg Bastoeiy in Norway

DO PRISONS WORK?

1	YES	<ul style="list-style-type: none"> Keeps society safe from dangerous criminals. Resocialisation into social norms and Values Education to prevent recidivism./ reoffending more common today.
2	NO	<ul style="list-style-type: none"> First-time offenders learn from career criminals- school of crime and suffer the effects of labelling. Reoffending rates still too high. Lack of funding-affects rehab opprtunities Social issues- eg drugs and bullying Suicide and self-harm a problem Short sentences don't allow for rehabilitation Long sentences lead to institutionalisation. Overcrowding Privatisation – led to shortages of qualified prison officers.

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