

Hello, viewers I am Miss Evelyn Savia Fernandes, Assistant professor in sociology from Government, College of Arts, Science and Commerce. Programme: Bachelor of Arts. First year, subject: Sociology semester one course code. 01 Course title, Crime and society. Title of the unit: unit. 3 theories of punishment. Module name reformatory theory of punishment a brief outline we will first look at an introduction followed by the concept of punishment. What is punishment and also look at the reformatory theory of punishment. At the end of this module you will be able to understand the core concept of the reformatory theory of punishment. You have already looked at retributive theory and deterrent theory. We are now going to look at the reformatory theory of punishment, followed by, which you will also gain an in depth understanding about the criticisms and arguments of reformatory theory.

The practice of penalization or

Punishment is important for the

Maintenance of social cohesion

or order in society and the law

Enforcing agencies is one among

the vital pillars of the state.

To put this in practice.

A scholar named Westermarck has stated

that punishment is a suffering which

is inflicted upon the offender in a

way which is definite by or in the

name of Society of which he is a member,

either permanent or temporary.

Now, what is punishment?

Punishment is a means of social control.

HLA Hart and professor Fleiner have defined

punishment in terms of five elements.

Let us take a look at all five first,  
it must involve pain or other consequence  
normally considered unpleasant.

It must be for an offense  
against legal rules.

In society.

It must be intentionally administered  
by human beings other than the offender.

It must be an actual or supposed  
offender for his offense.

It must be imposed and administered by  
an authority constituted by a legal  
system against which the offences  
committed the aim of punishment is to  
alter the character of the wrongdoer.

As stated by Brian.

Penalization should not be for  
the sake of punishment.

Rather,

it should be for reform or correction.

The reform theory which we are

going to look at in depth is

the most popular theory today.

It holds that the proper aim of

criminal procedure is to reform

the criminal so that he may become

adjusted to the social order.

Some of the main objectives of the

reformatory theory of punishment

are as follows.

The object of punishment should be

the reform of the criminal through

the method of individualization.

It is based on humanistic principles and

not barbaric practices of punishment

that even if an offender commits a crime,

he does not cease to be a human being.

The main objective of the reformatory theory

of punishment is to reform the criminal.

The idea behind this theory is

that no one is born a criminal.

The criminal is a product of his environment.

It could be his social,  
economic,  
political and all the other  
environments that he is  
part of. The purpose of the  
reformatory theory is to strengthen  
the character of man as they exist.

A conflict between the character and motive  
of the man who has committed the crime.

It may be taken into consideration  
that one may commit a crime,  
either because of the temptation  
of the motive is stronger,  
or because there is strain imposed  
by the character is weaker.

Example punishment by the  
method of rehabilitation.

The reform theory is in fact a mixture  
of sentimental and utilitarian motives.

With the fading of faith in inflicting  
pain and with the spread of humane

thought belief in re educating  
the criminal to enable him to  
become a useful member of society.

It is therefore better to save them  
for a life of usefulness rather  
than punish them by imprisonment.

So it works towards towards reforming  
the character or the personality  
of a offender or criminal.

Some of the limitations of this  
reformatory theory are as follows.

It may produce harmful effects.

In the criminal who are punished,  
there remains the possibility of serious  
damage to the personality of the  
offender with bitterness in his heart,  
he may seek an opportunity  
to strike back at society.

Now the reformatory theory may rolls,  
will label your Fender not only  
as a criminal in his own eyes,

but also in the way his community

would look at him.

Thus,

when stigmatized or when a

label is put on a criminal,

a man may be psychologically isolated

from law abiding groups and again

be driven in the association of

criminals upon his release from prison.

Punishment may also cause a person to

develop change caution and unusual skills.

Thus based on the offender's

experience in prison,

he could protect himself from

apprehension from becoming anxious or

apprehensive conviction and imprisonment.

Today we see how punishment is

not only barbaric or punitive,

which is forced or inflicted on the offender,

but today it has been replaced

by re formation.

It is therefore necessary that punishment  
is replaced by some alternative,  
so that in offender might preserve  
his self-respect and renew  
loyalties for group standards.

Criminologist today have as  
a result started talking of  
reformation and the rehabilitation.

Some kind of psychological.

Therapy or treatment of the offender,  
focusing more on the emotional  
being of the offender.

Reformation must involve  
change of environment.

As I said earlier,  
a personality change or a personality  
adjustment for the criminal would help.

However,  
the reformatory procedure must  
not be so pleasant as to encourage  
further criminal activities.

It should not be so encouraging  
that the criminal keeps on or  
goes on committing a crime,  
but it must be designed to  
produce desirable changes in  
the personalities of the window.

Pro pounders of the reform ative  
theory like Bentham and Hurt rejected  
the retributive and deterrent  
theories of punishment in the 19th  
and 20th centuries and sought to  
take the anger out of punishment.

They said punishment should not be  
punitive or inflicted upon the offender,  
but it is something that has to  
be dealt in a reformative way.

According to Bentham,  
punishment is not an act of vengeance,  
but it is an act of calculation  
disciplined by considerations.

Of the social good and the offenders needs.



The Reformed theory

further evolved in the 1980s,

where in the main task was to make

punishment self evidently rational.

The Reformed justification of

punishment was that it would persuade

the offender to accept his sufferings

and face his own guilt and also

be able to make him aware of the

crime that he or she has committed

and the type of changes that he or

she has to make in her or his life.

Reformative theory thus presented.

Punishment offenders as being

in their best interest.

Reformative theory considers punishment

to be curative more than to be deterrent.

According to this theory,

crime is like a disease which cannot

be cured by killing or inflicting pain

rather than by curing it with medicine.

With the help of the process of reformation.

There are a few criticism against this

reformatory theory of punishment.

Morris Cohen has stated a raised the

question whether crime is curable

and if so at what cost to society

in the form of reformation.

The Reformatory theory fails to explain

as to what extent can criminals be

reallocated or re socialized so that

they can live useful lives in society.

Let us take an illustration here.

Now suppose a correctional institute

for example a rehabilitation center.

Get success in reforming deviants

and criminals in society.

Now the question over here,

which has to be answered is will

people be satisfied to see a criminal

convicted of a dangerous crime?

Simply reformed and not expressed

a feeling of resentment against

such a criminal?

Are we just going to be fine with

a reform or a rehabilitation,

however heinous or serious the crime is?

Are we just going to get done away with it?

Some of the general arguments about

reformation should we accept the

reformatory ideal and totally forget

about the punitive that is harmful

measures of punishment or aspect of crime.

It is,

however,

not easy to give a clear cut answer or

an opinion of how to deal with criminals.

Perhaps punishment policy for some

and reformatory policy for some.

Depending on the nature of the crime or

the seriousness seriousness of the crime.

That is how heinous the crime is.

Or some other criminals would

be a pragmatic part.

It is thus clear that punishment

cannot be abolished,

and correction cannot be ignored

in dealing with delinquents of

differential types in society.

To conclude with,

it may therefore be said that the

reformatory theory is also referred

to as the rehabilitative theory.

Rehabilitation brings change in

offenders and their behaviors.

They go through various correctional phases

in their life as within rehabilitation.

It usually works through education

and psychological treatment to

reduce the probability of future

criminal ISM in terms of the theory,

offenders mostly commit crime as a result of.

I said earlier, psychological factors,

some sort of personality defects,

some sort of past history,  
social pressures, various political  
pressures or social pressures,  
identity based pressures,  
or some sort of a childhood stigma.

Being attached to a person which  
then carries on into some sort  
of an antisocial behavior to deal  
with the crime and to also give  
the right type of punishment is  
what is the need of the hour.

Therefore the reformatory theory  
gives importance not to the crime.

But to the criminal to reform the criminal,  
to rehabilitate and correct the  
criminal in the right manner,  
it considers defective functioning of  
social system and social structures,  
defective environment and lack  
of opportunities to achieve one's  
goal as the causes of crime.

Today it is a fact that the prevention  
of crime and protection of society  
are the main objects of society and no  
single theory of penalty or punishment  
can serve the important purpose altogether.

So we cannot just look at.

One important theory of punishment  
in say that we would use this sort  
of a punishment to reform,  
or to restructure a criminal.

All the theories of punishment,  
which we've looked at work collectively  
towards changing the ideology or  
changing a criminal for the good.

These are my references.

Thank you.