

THEORIES OF PUNISHMENT: ANALYSIS OF THE STATE OF AFFAIRS IN CONTEMPORARY SOCIETY AND FURTHER CONSIDERATIONS

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Abstract

The logical necessity of punishment is consistent with human rationality. The dynamic tension of the forces of good and evil or right and wrong reflect in the degrees of order and disharmony in the society. The causal relation of crime and punishment is a matter of ethics, law, cultural practice and common sense. Crime and punishment portray the internecine forces of the moral dualism of right and wrong that co-exist in the society. This paper has as its assignment the investigation into what punishment is all about. It examined the theories of punishment with further elucidation on the state of affairs of the subject under scrutiny. The paper delved into contemporary discourse regarding the way forward as far as punishment is concerned. It zeroed in on issues of content and context in critical educational schemes for pre-crime ideological approach to a possibly crime-free society. The methodology adopted is that of *expository analysis* of the state of affairs of punishment in the society and the *synthesis* of a paradigm shift towards punishment.

Key words: **justification, paradigm, moral compass, character-modification, value-complexes.**

Introduction

Every human society has mechanisms for addressing wrong doing. This has become necessary because the fact of co-existence within close physical space and even virtual space of any distance whatsoever as the contemporary society has come to be acquainted with, involves interactions of different kinds. To interact or relate and collaborate to a large extent implies that the human persons-participants impact on each other or one another in a variety of ways. Human choices have impacts usually on the other human(s) and non-humans as well. The exertion of impacts on the other could turn out to be of positive value. It could as well generate negative effects. Therefore, human interaction and interrelation are causes for society dynamics as known. Our activities continue to determine the kind of society we get.

Common sense understands that human activities need some cushioning or regulation to forestall the lapsing into chaos. Granted that a lot of the positives emanate from such

store of values, at the same time the opposite holds true. The society needs to progress and develop but beyond the futuristic projections the society first and foremost necessarily has to work out a way of surviving in the midst of a concatenation of value-complexes, complications and conflicts.

The scenario presented above tends to justify the institution of measures of balance and rebalance towards a state of equilibrium in the society. The society must aspire for stability in the diverse ways that this state of affairs is required. The society exists fundamentally for this purpose. Unless positive value-generating schemes are sustained or at least remain more sustainable than the negatives, such a society cannot move in the direction of humanizing the members towards their foremost desirable goals. In the context of living up to the above bidding, there must have to be a paradigm shift in the way of options available in human relations. Punishment finds a place in this paradigm shift to help the society maintain the course for the good of all rather than for the selfish course steering society in a retrogressive direction.

Punishment – meaning

Punishment is always a response or reaction to human conduct that has ethical implications. The context of punishment is human activity and how that activity is perceived afterwards in the society. Three elements are necessarily part of the understanding of punishment: human conduct, the value-perception and the response or social feedback. The last factorial element is of extra-significance in the sense that the response must have to be founded on ethical value. The thing is ethical which can be categorized as desirable or undesirable, worthy of approval or disapproval and as such meriting a redress in the practical sense. The socially unapproved or clearly undesirable is not an accident of history. It is part of human history as indeed to a large extent defining the trajectory of human historical development. Humans are respectively amenable and hostile to the principles in operation in the society. Humanizing principles are viewed with positive intent and supported by the greater society as providing the moral compass for human development. The same is viewed with negative intent and worked against by the lesser society intent on extinguishing any moral compass and indeed without focus on a human development that is principle-driven in the good ethical sense of it. Punishment becomes understandable in this scenario, namely, that the wheel of societal progress ought not to be shackled by anti-social value behavior and again that the individuals in themselves are duty-bound to act towards their social and personal good. Every unethical conduct subtracts from the personal worth of the individuals who so acts, demeans the society for what they stand for and produces and imposes pain on other unsuspecting individuals and the society at large. If this is the reality of human personal and social relations, interactions and interrelationships, then punishment will begin to acquire substantive meaning. While nobility of conduct merits accolades, human acts that are demeaning, sub-human or dehumanizing self-merits condemnation, undesirability and punishment.

What is this punishment? Lalli Upneet attempts exploring within definitional contexts, what punishment is all about. In this, punishment is seen as tool for ensuring societal equilibrium (Aristotle), so viewed because in a balanced world, social normality requires that virtuous acts be rewarded while the unvirtuous ones be not condoned thereby making punishment not just possible but an obligation (Kant). The practical value-implication of punishment is that the offender suffers for the offence committed (Oxford Dictionary). For Upneet, when punishment is mentioned certain terms have to be associated with it, namely: pain, penalty, suffering, offence committed, and the role played by law in all these (Black Laws Dictionary). Punishment is again seen as the visitation of 'evil' on the one who has transgressed the law, a reminder that obedience to the law is what humans ought to be disposed to (Thomas Hobbes). Punishment is produced by design which means the suffering or pain therein is consciously imposed, and has to come from those who have the legal authority to inflict the said negative or uncomfortable value (Sutherland). Punishment is meant to be a regulator of social function or human social activities and in that sense the aim is to knock the person back into the mainstream of social value-normativity so that the society can regain balance (WC Reckless). Punishment is always imposed on the offender in the name of the society or group that has the onus of so doing for the time it is supposed to last (E. Westermarck). Upneet concludes that since individuals 'will break laws, rules, and customs', they will as a matter of logical necessity be punished for breaking the rules, laws, customs – written or unwritten – but held dear by the society (Lalli, Upneet).

In another perspective, punishment is a response to undesirable behavior that would work to reduce the likely reoccurrence of that behavior (Philosophical Terms), and even the possible eradication of such behavior in future. In 'Science and Human Behavior', Skinner (1953) had defined punishment in terms of removal of positive reinforcement or the factor which favors the committing of crime and the presentation of a negative stimulus or reinforcement which instils aversion to the specific crime in the wrong doer (Holth 2005: 43). In another dimension, punishment is presented as communication: in punishment, the participants communicate one with the other in a non-mediated manner, thus crime and its response involve the 'idea of a reciprocal and rational activity' (Duff 2003: 388). It has to be stressed that not all communication of the unpleasant is punishment: there is a definition 'stop gap' in categorization of the state of affairs as uncertain, for instance, in the case of one visited by the unpleasant unexplainably by nature (The Cambridge Dictionary of Philosophy 1999: 759). Punishment is not defined by the cryptic thus has objective parameters and characteristics as will be highlighted going forward.

Justification of punishment

Can punishment be justified? Punishment is there at the foundation of all worthwhile civilizations and human developments. No human society can do without it. Because without order and peace, there cannot be development or progress; as 'the sociologists

would say, punishment is the guarantee of order', and as a matter of fact begins at home (Newman 2021: 1-2). This is because the home is the micro-society. What happens therein mirrors in the microcosm the realities in the wider society. The point is if punishment is justified at home, it could qualify for justification elsewhere. 'Punishment is justified if it deters people from committing undesirable actions' (Harrison 1996: 760). The fruit of punishment is the reduction or outright eradication of crime. It is in this context that punishment can be justified. Another dimension to justification of punishment follows from the views of Bedau below:

Since punishment involves intentionally inflicting deprivations on persons by someone with authority to do so, and since the deprivations themselves are typically not unlike the harms that crimes cause ...punishment has generally been thought to need justification ... Justification may be undertaken either by reference to extrinsic (consequentialists) considerations, or by reference to intrinsic (retributive) factors (Bedau1995: 732).

For Bentham, punishment goes with the unpleasant being imposed on an offender. 'It can therefore only be justified if this particular pain is the cause of a greater reduction in pain elsewhere' – this being a logical consequence of the utilitarian ethical theory whereby the greatest happiness of the greatest number of the people determines justification for conduct. In the light of the utilitarian principle, the end of punishment is reduction in pain that the offender can cause and again'success in deterring pain-causing behavior' (Harrison 1996: 760).

Theories of punishment – highlights

Over the years, society has been dealing with the nobility and despicable in humans. In other words, society has been dealing with matters of rewards and punishments. The phenomenology of change and the dynamics of transformations have all been implicated by what people do with the noblest of their choices and vice versa. History is shaped and again reshaped by human activities in the here and now. Because in the midst of change society has not changed fundamentally since it remains the same society of humans, then the various human devices for dealing with undesirable behavior have all become part and parcel of the human value-heritage. It is in this sense that history accounts for the diverse human intellectual grasps with the best methodologies for the restoration of societal equilibrium long battered by undesirable human activities. These methodologies have been encapsulated in theories of punishment. This shows that society is awake in her safeguard roles and again in her responsibilities as watcher of human moral trajectory.

The theories of punishment or the methodologies that humans have invented for redressing wrong doing in the course of history have been categorized into the Reformatory theory, Deterrent theory, Retributive theory and Preventive theory (Chinda

2021: 1114). These theories will be highlighted and analyzed for a more detailed comprehension respectively.

Reformative theory of punishment

The reformative theory of punishment focuses on the individual who has committed the offence. The greater attention is on the person of the doer of wrong and how to turn him/her around for good. 'According to this theory of punishment, the method of individualization must be used to reform the offender' (Tyagi 2020: 144). What is this reform if not strategies to ensure there is positive change in character of the wrong doer? This is why 'according to the reformative theory, the object of penalization ought to be reform of the criminal, through the strategy of individualization (Chinda 2021: 1114). The important thing is that by this theory, the society tends to think in the way that portrays that the wrong doer needs care. This gives room for individualized care, that is, there is need for strategization for the individualization of measures meant to take the wrong doer back to the mainstream of society mode of thinking, internal and external disposition and operation.

Reformative theory was introduced in the 18th century following from the wave of the Enlightenment in Europe in which interest and energy was concentrated on the individual for the broadening of views. In this, society must have won the person over to the standard acceptance of the normativity of societal moral values. Again this can only have been a new way to approach punishment since other methods have been under trial and retrial for whatever good they stood to offer in this regard (Chinda 2021: 1115).

When concepts like care, individualization, strategic planning for restoration, e. t. c. become operational in a theory of punishment, what comes to mind is health and disease. The domain of normality crosses over to that of medicine and the requirement for therapy. What is the psychological basis upon which the individual operates? One of the presumptions is that there is abnormality lurking somewhere. 'According to this theory to commit crime is disease and to cure it reformation serves as medicine' (Shelke & Dharm 2019: 1300). Whether opined as coming from 'chemical deficiency, disorder or other source', it is argued that human beings, 'still interpreted the actions of others through the lens of intentionality' (Wirts: 82). It becomes the issue where to draw the line between health and disease in crime except in very obvious cases. The considerations make sense in the context of a theory of punishment, having to do with pains, suffering and the visitation of the unpleasant and again how these fare in the health and disease conditions. Reformative programs include community services, counselling, rehabilitation programs, therapy sessions and varied alternative strategies (Chinda 2021: 1116). There is innovation involving punishment combined with education, personality studies of the wrong doer, and again the application of psychotherapy (The Great Soviet Encyclopedia (1970 – 1979). These show that punishment has come a long way with innovations to pair with new understandings and changes in the society.

Therapeutic jurisprudence takes its course in the case of psychopaths who are seen as requiring assistance and outright 'mentally disadvantaged offenders' who have to be targeted in the strategy for the individualization of care (Chinda 2021: 1116). Habitual wrong doers do not respond positively to strategies for reformation. The Reformatory theory is often looked at as being on the soft side of punishment because approaching the wrong doer with counselling sessions may fail to bring about reform especially in the case of hardened criminals (Chinda 2021: 1118). The Reformatory theory can be understood as reformatory sentencing when an individual offender has been sentenced to an individualized program or strategies and measures for character reform. In this case, it is really seen as efforts at rehabilitation of the offender through education, psychotherapy aimed at stemming a repeat (Chinda 2021: 1118).

Theorists, scholars and the society at large appear to have concentrated so much attention on wrong doers and their welfare that their victims are badly neglected. To have done wrong is to have visited or imposed undeserved suffering, pains and agony on another that is referred to as the victim of wrong doing. The transposition of problem to the theory of Reformation seems apt given that the theory caters for the good of the wrong doer in contradistinction to the victim. In this regard, it has been the observation that:

Increasingly the attention of criminologists, penologists and reformers of criminal justice system has been directed to victimology, control of victimization and protection of victims of crimes. Crimes often entail substantive harms to people and not merely symbolic harm to the social order. Consequently the needs and rights of victims of crime should receive priority attention in the total response to crime. (Shelke & Dharm 2019: 1300). The concern for victims implies that punishment has to have a holistic outlook. Those implicated have to be factored in the scheme or program of restoration to wholeness in whatever degree that becomes possible.

Deterrent theory of punishment

The deterrent theory of punishment aims to stop the criminal from going back to crime due to the envisaged consequential effects. To deter is to stop further action or to discourage others from engaging in crime at all. It seems that the criminal cannot be made to detest wrong doing if there is nothing out there in the form of threat. This has to do with the magnitude of punishment. Punishment has to be severe to be able to deter. The pain and suffering have to be reckonable. Such level of pain visitation instills fear on the wrong doer and potentially innocent onlookers. (Shelke & Dharm 2019: 1299).

The deterrent theory has three main components. The first component is severity. Severity refers to the degree of pain and suffering in punishment. The second is certainty. Certainty has to do with the tacit assurance that whenever there is wrong

doing, there must be punishment for the wrong done. It is like the 'if ... then' type of logic form. The implication is that no wrong doing goes unpunished. If the wrong doers and potential ones know this, then the consequences of their actions would be present in their minds before they act and this may act as an effective check on wrong doing. The third component is celerity. Celerity refers to swiftness meaning that punishment has to come fast following quickly the act of wrong doing. The theory intends to 'deter' from crime and again, as Lillie describes it, "the judge makes example of some offender" (Karim 2020: 472).

Deterrent theory of punishment is also referred to as preventive theory of punishment or exemplary theory of punishment. It aims to prevent the committing of crime and again it does so by using some criminal or supposed criminal as an example, that is, as a model of what it looks like to commit crime and be punished. The fear of punishment leads potential criminals to conformity to community ethos or the laws of the land. (Karim 2020: 472).

Why is pain or suffering emphasized in punishment? The reason is that the criminal gets mental, emotional or physical satisfaction by doing wrong. Wrong doing becomes beneficial in so far as it brings satisfaction and pleasure, meaning that if left unaddressed, crime will always lead to more crime ad infinitum (to infinity). To stop this chain of wrong doing, there must have to be the balance of pleasure and pain; satisfaction and dissatisfaction, a sense of wellbeing and another of total feeling of unease, mental or emotional maladies, e. t. c. (Karim 2020: 472). If the balance may appear less effective or stultify the weaning off crime, then the tilting in weight should be in favor of pain and suffering enough to make the wrong doer detest the pleasure of doing wrong.

The deterrent theory of punishment according to Karim (2020) comes in four types. Specific deterrent has to do with the effectiveness or success registered with application of punishment individualized to the offender – whether it has resulted in stopping future crimes on the part of the offender. General deterrence extends its objective generally: it asks the question whether the punishment of a particular offender has exerted greater measures of deterrence on other people generally, i.e., whether by punishing the offender, the general public learnt the lesson and stayed away from crime. Marginal deterrence considers the relative successes and differences in the different types of punishment. Partial deterrence looks at the partial successes, i.e., the abstention from a part of crime, for instance, the offender who chooses to now threaten the victims with toy gun instead of with loaded rifles – here there has been partial deterrence in the offender keeping human death out of the plan of crime (Karim 2020: 473).

It has to be remarked that the deterrent theory of punishment has its limitations. It fails to prevent crime in hardened criminals. This is because this class of criminals are well

adapted to pain and suffering. They thrive amidst pain and suffering and so still go on with the committing of crimes irrespective of punishment (Shelke & Dharm 2019: 1299).

It is the attitude of hardened criminals to punishment that makes the society sometimes think in the way of preventive punishment as final solutions to the menace of criminality. If the hardened criminal refuses to be helmed in by diverse measures the society employs in asking for peaceful co-existence from them, this calls for change in method? Sometimes the society resorts to extreme preventivemeasures to ensure that they are keptoff crime. Some of these measures include: imprisonment whereby they are kept in confinement away from decent society, mutilation of body parts and again death penalty whereby final solution of complete physical extinction of the wrong doer is applied to the menace of crime(Shelke & Dharm2019: 1300).

The Retributive theory of punishment

Punishment is penalty for crime or wrongful act. (Thiroux&Krasemann2007: 124). The ancient Greek gods championed punishment in the different presentations of it including the abusive form. This marks the beginning of justice in the West. Kant would later theorize on the categorical imperative stressing that every injustice, (crime, sin, wrong) MUST be punished (Newman 2021: 9). It can be gleaned from this that from the very beginning, retributive justice largely defined the concept or idea of punishment.

Retributivism has to do with giving back. The idea is that of pay-back time. In the Retributive theory of punishment, the offender first gave it to the society wherein the society responds by giving it back to the offender – back-to-sender – kind of punishment. The first instinct as regards the offender who has so wronged the society is that he/she has to receive equal measure of what he/she has made the society suffer. This is the most ancient mode of punishment. It operates based on the *lex talionis* approach: an eye for an eye and tooth-for-tat (Shelke & Dharm 2019: 1300). It appears like vengeance, revenge or vengefulness. The forms may differ but the sense of it is always part of punishment. Retributivism visits the wrong doer with pain and suffering consciously planned into the punishment. This implies that in retributive punishment, there is the individualized strategization whereby punishment becomes a personal package for the wrong doer (Tyagi 2020: 145). This personal package addresses all aspects of the wrong done. The implication of retributive punishment is that the offender should not be permitted to go scot-free. The offender is made to resemble the victim somewhat in the experience. The theory looks backward in apportioning or prescribing degrees of suffering and pain for the wrong doer (Karim 2020: 474).

There are different types of retributive punishment (Karim 2020). Desert-based punishment believes that punishment is morally permissible simply because law breakers deserve to be punished. Forfeiture-based retributive punishment states that the wrong doer has forfeited his/her personal rights by injuring the rights of others. Fairness-based retributivism states that it is unfair not to punish a criminal thus punishment is simply necessary (Karim 2020: 476).

It can be seen from the above that retributivism is a fundamental theory of punishment. It came first in the theoretical possibilities and undergirds other forms of later theoretical developments. Punishment is the war of ethical ideologies – between what the society has endorsed as the way forward and what the offender has done by swimming against the current.

Analytic critique of state of affairs and further considerations

The reformativetheory of punishment which is advocated by contemporary humanism (Karim 2020: 478) links crime with ill health or mental disequilibrium for which reason there is need for medical intervention, education for sobriety and rehabilitation. Rehabilitation can be deontological when it is just the in-thing to do and consequential when it is done for the benefit of all (Karim 2020: 479). Criminologists believe that criminals have mental disorders, thus crimes they commit stem from their pathological condition for which reason education and medical treatment are part of the remedies (Karim 2020: 480). It must have to be stressed that not all criminals are mentally unfit. What is therefore the ontological basis of crime? The other question of equal significance is what the ontological basis of virtue is? These refer to the being of man in relation to being per se but the environmental orientation plays role specificities in the individual consolidation on evil or the promotion of virtue towards an enduring personal culture.

As regards the deterrent theory of punishment, it attracts criticism in the same way that its merits stand out. Here punishment is seen as a means to an end. The end overrides some other pertinent considerations. The end is to deter crime and again to prevent or forestall crime in the others who are watchers of the unfolding events of punishments. In the bid to achieve the urgent need of deterrence or prevention, the fact of guilt may not be fully considered or investigated. The innocent may be punished and the guilty left free of punishment (Karim 2020: 474). A typical example would be the police rounding people met at the crime spot up for detention while the wrong doer might have escaped from the scene. If there is no guarantee of thorough investigation to ensure that the guilty is punished instead of the innocent, then, it cannot be said to deter the crime. This is because the guilty in escaping punishment continues with the act of criminality. The innocent punished in error and without further appeasement may be provoked towards possibility of revenge on an unjust society.

In retributivism, crime gets its due reward. However, this is over simplification. How much of punishment is equal to the crime committed? In most crimes, there is no equivalences. Should tooth-for-tat for instance bring back the dead? Will the life of the one who took three lives be taken three times over? Should the rapist be raped in order to exact retributivism? The nature of some crimes is such that there is no place for retributivism. Nothing pays exactly for the damage done. The criminal leaves the society shocked and spellbound in not knowing where to exact retributivism.

Retributive justice is so limited that the wrong doer commits crime to his/her advantage leaving retribution handicapped. Does it then imply that the criminal holds the society at ransom? Yes and no. Yes in the degree of injury caused and no in attracting pain and suffering and societal condemnation and again in being at the mercy of the society that may in extreme cases have recourse to extreme preventive measures.

Contemporary discourse on punishment

The first discourse on punishment is to elucidate matters concerning conceptual scheme. The theories of punishments have developed over the years and reflect attempts to deal with moral questions in different ways from the practical details of living. Theories capture the realities of crime from different dimensions. They also settle for redress or restoration of moral order using different methodologies. However, the conceptual qualifications of these theories calls for concern and further analysis. The reformatory theory promises reform from or in soft landing some criminal on medical condition. Some such criminals are misdiagnosed and may have to undergo humanitarian medical care. Here the concept of reformation misses out on the substance of it.

Lately there is current ideology in vogue with regard to reformatory punishment. The indication is that the victims have been lost sight of and therefore outside of the programs for reform. The two dimensional approach involving the doer of crime and the society so impuned by the committing of crime is clearly a reductionism in the methodology of restoration of order. The full vision is three dimensional in which case the doer of crime, the immediate victim of crime and the society injured by the crime should be part of the program of reform. Here again the concept of reform suffers in the deficits of its understanding and application.

If deterrence, in spite of good intent, works such that the result goes either way, its cogence as a theory becomes complex. A situation in which the deterrence possibility can be weighed comparably against such impossibility, the simplicity of the theory flies in face of the complex or even paradoxical. To deter may imply the success of it and again, the oversight in non-deterrence. However, if the typical case used for public experience of what deterrence holds for others happens to have been innocent victim, the deterrence rebounds against the society in a double error tragedy: the guilty escapes punishment and the innocent is visited with pain and suffering.

The preventive theory of punishment works in clearing the criminal away from decent society to where the committing of crimes becomes impossible. One of such a measure is imprisonment. Does this measure serve to prevent crimes? Is confinement adequate measure to eradicate crime occurring from the concerned? It is known that certain criminals become hardened by prison experience where the criminal is introduced to a community of like minds thereby leveraging him/her on negative capacity building towards perfection in the criminal art. They may thus come out of the prison walls worse off.

There may be need in future theoretical developments to work towards adequacy in conceptual scheme formulations and applications. Concepts ought to stand for what they imply. The net result from present standpoint is that each time, the criminal tends to benefit from theoretical promises that fail to deliver on praxis. The society becomes hoodwinked on promise which may possibly turn out something different from expectation. In order not to add to current complexity, future theories on punishment should strive for a paradigm shift in conceptual scheme. Concepts should be able to embody simplicity in comprehension such that they deliver on praxis. With regard to punishment and the order that the society so fundamentally desires, what matters is the positive end result emanating from that which is practically amenable to the human condition in matters of crime.

Conceptual problems notwithstanding, the nature of crime needs to be examined. This too leaves society shortchanged as the criminal seems to have been in a position of gain in intent and empirical reality in relation to the vulnerable society. The collective energy used to commit crime pairs in insignificance to the social or collective energy expenditure in trying to redress the imbalance occasioned by criminal activity. Once crime is committed, in the seconds or hours of it, it falls on the society to deal with the consequences sometimes for years, sometimes for life. What does the criminal know about crime? What ought he or she to know in this regard?

The above elucidation naturally engenders the question of education. What role does education have to play in crime consolidation and punishment? What role does education play in crime prevention and reduction of punishment? What has education to do with rehabilitation of the criminal? What has education to do with ensuring a crime-free society? This forms the fulcrum of further contemporary reflections on punishment.

Critical education and crime-and-punishment grand narrative

Crime prevention, reduction and possible eradication must have real-relation to education critically programmed for the needs of the society with reference to order, harmony and sustainable development. It has to be emphasized that the context of education-discourse in matters of crime and punishment is the context of real and practical alternatives to current ideology. The current ideology is premised on crime and post-crime response. It is also premised on education of a type. Critical education-discourse which is required by advised contemporary methodology demands a paradigm shift. This work advocates for a comprehensive review of the world view of crime which needs to be understood in order for it to transform to conventional society value.

Education should be a pre-crime ideology. This contrasts with educational schemes programmed specially for offenders which actually is a post-crime response. The contestation against crime should remain an ideology of foresight. It pays to foresee or envision a crime-free society and produce educational schemes accordingly. Currently, educational programs in terms of contents and contexts run short on the vision of what type of society is best for the citizenry. In terms of contents, the over-emphasis on cognitive concerns calls for redress. The de-emphasis on moral-value appreciation creates a vacuum that may be difficult to be made over after wards. Critical education should not be more a matter of mental sophistication than of the practical requirements for order, tranquility and harmonious existence. Mere intellectual sophistication does not by that very fact subsume formidable moral ethos on which the foundation of every prosperous society is built.

What should be the content of critical education that is now being advocated in the paradigm shift and again, what prioritization value should matter in this endeavor? The arts should constitute the bulwark of informed values worth inculcating. Ethics, history, religious knowledge carefully designed for the survival and development of the society, logic and of course cultural studies. Agriculture, skills development and entrepreneur should also take center stage. These and similar courses ought to constitute foundational sources of critical information and education. In terms of context, the foundational courses get priority as responsible for value-formations in the distant pre-crime age bracket. Cognitive development prioritizations may follow on the moral foundation without abandoning the later and as a matter of fact, with both being parallel schemes for complementarity in the course of time.

Crime will be averted in the presence of other multifactorial elements with education as enabler. Properly funded skill acquisition centers established in communities and cities nationwide are premium, which material products and services the government would ensure their relevance and marketability. The inculcation of the dignity in labor, the creation of strong desire for investment in agriculture rather than the denigration of the discipline is again premium. The genuine concern for security provision and sustainability in those who have the onus to do so is dissuading to criminal intent and actual committing of crime.

Finally, to prevent crimes, there is need for role model in all facets of the society—education, politics, entrepreneur, service-providers, the different professions, industry and the corporate world – which encapsulates for the upcoming ones what the critical education program has been able to achieve for the society. This way the citizenry is suffused in values that are diverse in nature and that would orientate them towards hard work, honesty, love of fatherland, positive creativity, motivation towards excellence and optimism for success in chosen endeavors. The surging positives define the new world view and crowd out crime intent at all levels, supplying and replacing

energy for energy for positive creativity, wealth creation and distribution, imbuing the premium of moral value culture, technology-savvy new world, and again honest scholarship based on fruitful scientific researches – all portraying value-filled existence and a society where crime and punishment would be reduced to the barest minimum and at best a crime free society.

Conclusion

Punishment is a secondary development. Crime is primary and makes punishment possible and sometimes necessary. The historical context is that of human deviation from norms and the crudity and refinement of punishment have been matters of temporality response apparatuses. The contemporary times is witness to theoretical developments that intend to diversely tackle the crime-and-punishment problematic. This paper examined the different theories emphasizing their strengths and weaknesses. Their positive contributions to the control of crime are beyond debate. The loopholes are not necessarily consciously programmed into their operation/application. The work enjoins future theories to weigh on simplicity of intent and content of conceptual schemes with the determination to deliver on promise. As a matter of fact, the work proposes the reordering of educational priorities towards the critical methodology which is seen here as viable alternative to the current ideology. Even as current measures are all welcome in combating crime through punishment, the paper foresees a future whereby reversal in the present experience is possible through pre-crime critical educational transformations.

Recommendations

The paper considers two main recommendations as regards punishment and the spirited endeavor to stem the tide. There is need to highlight this section in view of the fact that crime has been on the increase over time. The new faces and sophistications that criminality has acquired necessitates emphasis on strategies to helm in the rate of crime in contemporary society. The first recommendation has to do with the state of affairs of crime and punishment. Effort should be made to concentrate on the gains already recorded with the caveat that thorough investigations be a point of focus such that only the guilty receives punishment as due. The earlier and more stringent crime is punished the more society creates opportunities for sanitization from menace of criminality. Secondly, the war against crime and punishment should be directed to the roots, to a pre-crime age response through strategic education scheme that would orientate the citizenry to a world view inundated by positive values and ideologically geared to a crime-free society.

References

- Audi, Robert (1999) (Ed.). *The Cambridge Dictionary of Philosophy*, Second Edition. Cambridge: Cambridge University Press.
- Bedau, Hugo Adam (1995). Punishment. In, *Oxford Companion to Philosophy*. Ted

- Honderich (Ed.). Oxford: Oxford University Press.
- Chinda, Sonakshi (2021). Reformatory Theory of Punishment: Analyzing the Status in India. In, *International Journal of Law Management & Humanities* (Vol. 4 Iss 3). ISSN 2581-5369. DOI: <https://doi.org/10.10000/ijlmh.11575>.
- Dictionary of Philosophical Terms* (Online/Offline)
- Harrison, Ross (1996). Bentham, Mill and Sidgwick. In, *The Blackwell Companion to Philosophy*, Second Edition. Nicholas Bunnin & E.P. Tsui-James (Ed.). Malden: Blackwell Publishers Ltd.
- Duff, Antony (2003). Punishment, Community and Community. In, *Debates in Contemporary Political Philosophy: An Anthology*. Derek Matravers & Jon Pike (Ed.). London: Routledge: Taylor & Francis Group.
- Holth, Per (2005). *The Behavior Analyst Today*, Volume 6, Number 1, Winter, 2005.
- Karim, Ezazul (2020). The Critical Evaluation of the Different Theories of Punishment. In, *The Jahangirnagar Review*, Part-C, Vol. XXIX, ISSN 2306-3920, p. 472)
- Lalli, Upneet. *Meaning, Aims and Types of Punishment*. Government of India: An MHRD Project under its National Mission on Education through ICT (NIME-ICT)).
- Newman, Graeme R (2021). *The Art of Punishment Book 1: The Elementary Forms of Punishment*.
- Shelke, Sagar & Dharm, Jyoti (2019). Theories of Punishment: Changing Trends in Penology. In, *International Journal of Engineering and Advanced Technology* (IJEAT) ISSN: 2249-8958 (Online), Volume-8 Issue-6S3, September.
- Thiroux, Jacques & Krasemann, Keith W (2007). *Ethics: Theory and Practice*, 9th Edition. New Jersey: Pearson Prentice Hall.
- Tyagi, Ishaan (2020). Capital Punishment: A Critical Study. In, *International Journal of Legal Developments and Allied Issues*, Volume 6 Issue 4 – ISSN 2454-1273, July 2020, An open Access Journal from the Law Brigade (Publishing) Group.
- Wirts, Amelia M. Is Crime Caused by Illness, Immorality, or Injustice? Theories of Punishment in Twentieth and Early Twenty-First Centuries. In, *The Palgrave Handbook on the Philosophy of Punishment*. Matthew C. Altman (Ed.). Macmillan: Palgrave. <https://doi.org/10.1007/978-3-031-11874-6> (eBook).
- The Great Soviet Encyclopedia* (2010), 3rd Edition. The Gale Group.