

Penology

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November 19, 2022

RECOMMENDED CITATION

mohammad looti (2022). *Penology*. PSYCHOLOGICAL SCALES. Retrieved from <https://scales.arabpsychology.com/?p=39285>

Penology (from the Latin poena, "punishment") is a section of criminology that deals with the philosophy and practice of various societies in their attempts to repress criminal activities, and satisfy public opinion via an appropriate treatment regime for persons convicted of criminal offenses. Penology is concerned with the effectiveness of those social processes devised and adopted for the prevention of crime, via the repression or inhibition of criminal intent via the fear of punishment. The study of penology therefore deals with the treatment of prisoners and the subsequent rehabilitation of convicted criminals. It also encompasses aspects of probation (rehabilitation of offenders in the community) as well as penitentiary science relating to the secure detention and retraining of offenders committed to secure institutions.

Penology concerns many topics and theories, including those concerning prisons (Prison reform, Prisoner abuse, Prisoners' rights, and Recidivism), as well as theories of the purposes of punishment (such as Deterrence, Rehabilitation, Retribution, and Utilitarianism). Contemporary penology concerns itself mainly with criminal rehabilitation and prison management. The word seldom applies to theories and practices of punishment in less formal environments such as parenting, school and workplace correctional measures.

History

Historical theories of punishment were based on the notion that fearful consequences would discourage potential offenders. An example of this principle can be found in the Draconian law of Ancient Greece and the Bloody Code which persisted in Renaissance England, when (at various times) capital punishment was prescribed for over 200 offenses. Similarly, certain hudud offenses under Sharia hadith tradition may incur fearful penalties.

Modern theories of the punishment and rehabilitation of offenders are broadly based on principles articulated in the seminal pamphlet "On Crimes and Punishments" published by Cesare, Marquis of Beccaria in 1764. They center on the concept of proportionality. In this respect, they differ from many previous systems of punishment, for example, England's Bloody Code, under which the penalty of theft had been the same regardless of the value stolen, giving rise to the English expression "It is as well to be hanged for a sheep or a lamb"

Subsequent development of the ideas of Beccaria made non-lethal punishment more socially acceptable. Consequently convicted prisoners had to be re-integrated into society when their punishment was complete.

Penologists have consequently evolved occupational and psychological education programs for offenders detained in prison, and a range of community service and probation orders which entail guidance and aftercare of the offender within the community.

The importance of inflicting some measure of punishment on those persons who breach the law is

however maintained in order to maintain social order and to moderate public outrage which might provoke appeals for cruel vengeance. European penalties can only be imposed by a criminal court and include fines, damages, unpaid compensatory work, and mandatory training as well as physical detention.

Catholic social teaching about punishment for crime

Parts of the Compendium

Inflicting punishment. Penology.

402. In order to protect the common good, the lawful public authority must exercise the right and the duty to inflict punishments according to the seriousness of the crimes committed. The State has the twofold responsibility to discourage behaviour that is harmful to human rights and the fundamental norms of civil life, and to repair, through the penal system, the disorder created by criminal activity. In a State ruled by law the power to inflict punishment is correctly entrusted to the Courts: "In defining the proper relationships between the legislative, executive and judicial powers, the Constitutions of modern States guarantee the judicial power the necessary independence in the realm of law".

403. Punishment does not serve merely the purpose of defending the public order and guaranteeing the safety of persons; it becomes as well an instrument for the correction of the offender, a correction that also takes on the moral value of expiation when the guilty party voluntarily accepts his punishment. There is a twofold purpose here. On the one hand, encouraging the re-insertion of the condemned person into society; on the other, fostering a justice that reconciles, a justice capable of restoring harmony in social relationships disrupted by the criminal act committed.

In this regard, the activity that prison chaplains are called to undertake is important, not only in the specifically religious dimension of this activity but also in defence of the dignity of those detained. Unfortunately, the conditions under which prisoners serve their time do not always foster respect for their dignity; and often, prisons become places where new crimes are committed. Nonetheless, the environment of penal institutions offers a privileged forum for bearing witness once more to Christian concern for social issues: "I was ... in prison and you came to me" (Mt 25:35-36).

404. The activity of offices charged with establishing criminal responsibility, which is always personal in character, must strive to be a meticulous search for truth and must be conducted in full respect for the dignity and rights of the human person; this means guaranteeing the rights of the guilty as well as those of the innocent. The juridical principle by which punishment cannot be inflicted if a crime has not first been proven must be borne in mind.

In carrying out investigations, the regulation against the use of torture, even in the case of serious crimes, must be strictly observed: Christ's disciple refuses every recourse to such methods, which nothing could justify and in which the dignity of man is as much debased in his torturer as in the torturer's victim". International juridical instruments concerning human rights correctly indicate a prohibition against torture as a principle which cannot be contravened under any circumstances.

Likewise ruled out is "the use of detention for the sole purpose of trying to obtain significant information for the trial". Moreover, it must be ensured that "trials are conducted swiftly: their excessive length is becoming intolerable for citizens and results in a real injustice".

Officials of the court are especially called to exercise due discretion in their investigations so as not to violate the rights of the accused to confidentiality and in order not to undermine the principle of the presumption of innocence. Since even judges can make mistakes, it is proper that the law provide for suitable compensation for victims of judicial errors.

405. The Church sees as a sign of hope "a growing public opposition to the death penalty, even when such a penalty is seen as a kind of 'legitimate defence' on the part of society. Modern society in fact has the means of effectively suppressing crime by rendering criminals harmless without definitively denying them the chance to reform". Whereas, presuming the full ascertainment of the identity and responsibility of the guilty party, the traditional teaching of the Church does not exclude the death penalty "when this is the only practicable way to defend the lives of human beings effectively against the aggressor". Bloodless methods of deterrence and punishment are preferred as "they better correspond to the concrete conditions of the common good and are more in conformity to the dignity of the human person". The growing number of countries adopting provisions to abolish the death penalty or suspend its application is also proof of the fact that cases in which it is absolutely necessary to execute the offender "are very rare, if not practically non-existent". The growing aversion of public opinion towards the death penalty and the various provisions aimed at abolishing it or suspending its application constitute visible manifestations of a heightened moral awareness.