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The effect of penalogical teaching on alternative penalties of imprisonment

Hadi Noruzi [a], Reza Faani [b]

[a] *Graduate student Criminal Law and Criminology, Azad University, Tabriz, Iran.*

[b] *Assistant Professor, Department of Law, Azarbaijan Shahid Madani University, Tabriz, Iran.*

Abstract

Increase in the use of penalties depriving freedom leads to problems and pressures on policy makers and criminal penalties, so they devised based on alternative approaches and social penalties tried to exit from the crisis; Social punishments, punishments that offenders are punished by public institutions and civil society at the heart receives Because crime is a social phenomenon and brainchild community, so the most important factor preventing recidivism should be found in the social sphere. Civil society in shaping public domain the day according to their position on the one hand and the other hand over the government to the people and official institutions, can participate in the social sphere and to eliminate the causes close Direct and mass media, as well as reducing crime situations that provide Tkrarjrm an effective role in preventing and reducing crime Have. Through the teachings of penological proved unsuccessful and rehabilitating offenders in prison, Non-custodial penalties were proposed. The teachings and punishments to fix the problems of prisons, help reform offenders and reduce prison populations better, in different forms such as house arrest, Training camps and treatment, suspension of punishment, sentencing delays, financial penalties, utilities, loss of civil rights and prohibit forced to stay or residence in a specific area into the legal system of the country. This educational practices help facilitate the process of rehabilitation of offenders Bazajtmay they are faster, With the possibility of breakdown of the family of the perpetrator with your family and led them to prevent crime and reduce recidivism rates, increase security and reduce the government's burden. This penalty is needed to create the infrastructure and financial resources. Since the teaching of penological with attention to historical development in many communities has created significant changes in the penal population decline This requires more and better in our community through the teachings of penological measures taken to further the interests of our profit alternative punishment in prison.

Keywords: criminal teachings circuit, alternative penalties of imprisonment, crime and punishment, correction and rehabilitation, prison

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Introduction:

Michel Foucault's work is already well-known in the field of education. His detailed studies of madness, punishment, sexuality, and the human sciences have provided educational theorists with a whole new array of concepts (like discipline, and problematization), analytical techniques (such as archaeology, and genealogy) and arguments (as pertaining to the intimate embrace of knowledge and power, and ways in which human subjects relate ethically to themselves and others). What is not yet well-known is that Foucault's oeuvre as a whole incorporates within itself and offers for wider consumption a number of key educational themes. For purposes of clarity, these themes can be reduced to three, dealing with what might be called the past, present, and future of schooling, or, its development, its functions, and its prospects.a complement to such materials and activities. In short, the aim of the book is to help you to get the most from your studies. If this text can clarify and make sense of a complex penological debate, stimulate your interest, encourage you to look at issues in more depth, or help you use your imagination to start thinking more creatively about how social problems can be conceived of or addressed, then it will have achieved its aim—and perhaps much more.

The book introduces some of the common principles and concepts of prison, community sanctions and punishment. It provides hints, tips and handy summaries of the main themes and issues; and, ultimately, it aims to enhance your understanding of, and ability to use, penological knowledge. It should help you to structure and organise your thoughts, and it should enable you to get the most from your textbooks and the other reading that you do as part of your course. We also hope the book appeals to the general reader who is looking for a straightforward introduction to, and summary of, penology that is easily digestible and can be read relatively quickly. Overall, Prisons and Punishment: The Essentials should help you to challenge common-sense and populist assumptions about prisons and punishment, and to think critically about the subject matter.

To support you in your studies, the book provides bullet points of key arguments and debates. Alongside this, it uses the following unique features to help you develop insights into penological thought.

Core areas and running themes Each chapter starts with a list of core areas and central themes in penology.

Key penologists At the start of many chapters, important penologists are highlighted, each of whom has made a significant contribution to the central themes under discussion.

Summary boxes These highlight and summarise key issues on a given topic.

Tips and common pitfalls Tips boxes appear throughout the chapters and offer you key factors to remember, along with advice on what to do and how to best answer a question. Common pitfalls remind you of common mistakes and give you some indication of what not to do. These boxes will help you to question dominant assumptions and common-sense ideas on prisons and punishment.

Questions Dispersed throughout the book, you are given example questions and indications of how these might be answered.

Taking it further At the end of many of the chapters you are given details of recent debates, penal controversies or examples of in-depth readings on the topic area.

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Bibliographies These annotated bibliographies offer you a description of some of the best texts to read when developing your knowledge and undertaking background reading for an assignment.

The book is divided into four main parts.

Part one, chapter 1.1 provides you with a brief introduction to the discipline, followed by guidance on how you can learn to think like a penologist. Here, you are given advice on how to enter the mind-set of penal experts and you are introduced to the kind of terminology that they use. Chapter 1.2 assesses the strengths and weaknesses of the key sources of penal knowledge that you will come across as you try to make sense in your studies of prisons and punishment.

Part two begins with a discussion of the philosophical and sociological accounts of imprisonment and punishment. The book is largely focused on prisons and punishment in the UK, but chapter 2.2 examines international comparative studies of penology and their implications for thinking about penal sanctions closer to home. The next three chapters provide an account of the history, policy and organisational structures of penal systems in the UK, before moving on to consider some of the problems and controversies that are encountered in prison life and the current means by which penal systems are held accountable. Part two concludes with a discussion of probation and non-custodial forms of punishment and a review of three alternative visions of the future: penal expansionism; penal reductionism; and penal abolitionism.

Part three offers you further guidance with your studies. If you work your way carefully through part three, by its end you should be better equipped to profit from your lectures, benefit from your seminars, construct your essays efficiently, develop effective revision strategies and respond comprehensively to the pressures of exam situations. The chapters in this part present checklists and bullet points to help you focus your attention on key issues, and provided examples to demonstrate the use of such features as structure, headings and continuity.

Part four concludes the book with a glossary that contains brief definitions of a number of key penological terms and a bibliography listing the sources cited in the book.

RUNNING THEMES IN PENOLOGY

No matter what area of penology you are writing about, it is probably not too difficult to predict that the subject in question will be marked out by similar ‘running themes’ that recur throughout the subject.

Always try to mention these themes and to think about how they make an impact upon the topic at hand:

Alternatives to prison Non-custodial ways of dealing with wrongdoing. These can involve community penalties and other ways of dealing with harms and wrongs that do not adopt the punitive rationale.

Governmentality A political term to denote new systems of ordering and governance in contemporary society. In penological terms, the term is used to describe new approaches to the control of crime and how these are shaped by changing economic, social and cultural imperatives.

Human rights A normative principle that is based on the recognition of the innate dignity of a fellow human being. This can involve the recognition of legal entitlements and of the wrongdoer’s shared humanity, and acknowledgement of all human suffering.

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Labour market The thesis that there are strong links between the form and nature of punishment, and the needs of the labour market.

Legitimacy The moral and political validity of the exercise of penal power. The criteria defining what a legitimate response to wrongdoing entails are hotly contested, and there are a number of different approaches to thinking about penal legitimacy. These include theories from Emile Durkheim (on ritualism and the lack of legitimacy), Max Weber (on the belief in legitimacy and authority), David Beetham (on how institutions must conform to people's beliefs), and Gramscian and (neo-)abolitionist perspectives that call for philosophical and normative criteria for evaluating the rightfulness of punishments.

Less eligibility The belief that conditions of imprisonment must not be higher than the living conditions of the poorest labourer. Adoption of this doctrine has major implications for the dehumanisation of wrongdoers.

Managerialism A credo that claims that better forms of management, rooted in the principles of efficiency, effectiveness and economy, can solve the current penal crisis and provide services that are better value for money. It is an ethos that has dominated public services in the UK in the last twenty-five years.

Pains of imprisonment The inherent deprivations of prison life, as coined by Gresham Sykes (1958), who described the 'pains of imprisonment' for male prisoners as the deprivation of liberty, of heterosexual sex, of goods and services, of autonomy and of security.

Penal reform The argument that the prison can be improved and made more humane or effective. Penal reformers are often humanitarians who believe that prisons can have good living conditions and constructive regimes, and can rehabilitate, if used for the appropriate people.

Penological imagination The application of creative, 'big' thinking to the study of prisons and punishment. Imaginative understandings of penal matters move beyond data-driven statistical analysis in order to explore relationships between penality and the human experience of it. The penological imagination is a quality of mind, a particular way of approaching, thinking about or interpreting complex issues and their possible resolution. Try to use your imagination to uncover wider social, political and economic factors that might influence who is punished and why.

Power to punish The definition and application of the penal rationale to discipline, exclude or control human behaviour. Penal critics have highlighted how the power to punish is disproportionately deployed against the poor and powerless.

Public protection The claim that prison and community penalties exist to contain dangerous offenders and those people who pose a considerable threat to ordinary members of society. Public protection is a major justification for increasing levels of prison security.

Rehabilitation A justification of punishment, which claims that prison can be used to restore an offender to his or her previous competency. The term is now often used interchangeably with other 're-words' such as 're-integration', 're-settlement', 're-entry', as well as 'reform'.

Risk A highly influential way of calculating and assessing the danger or harm that an offender may present in the future.

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Social divisions Who loses and who gains in a given social context? To answer this question, penologists have paid particular attention to examining divisions centred on poverty, social exclusion, 'race', gender and age.

Social justice The equitable redistribution of products and resources, allowing individuals to meet their necessary needs. Alongside this, it requires a rebalancing of power, a reducing of vulnerabilities, and the fostering of trust, security and social inclusion. It also implies recognition and respect for the shared humanity of wrongdoers, whoever they may be.

Remember!

It is a good bet that, whatever you are writing about, most of these running themes can be squeezed into your essay or exam to give you a more critically rounded and wide-ranging answer. But bear in mind that the running themes listed above are nearly always interrelated.

'FUGITIVE THOUGHT': A BRIEF INTRODUCTION TO PENOLOGY

We all have been punished and have probably perpetrated some form of punishment at some stage of our lives. Although the discipline of penology has been primarily concerned with punishments sanctioned and undertaken by the state, it is important to recognise that punishment does not begin there, but rather within wider society. Punishments can be physical or psychological, performed publicly or privately, and can be either informal or a formal and legal sanction. You may have experienced some form of sanction or punishment by a family member while as a child at home, or at school through informal interactions with friends or for breaking school rules. As an adult, such informal punishments may take place in relationships or in the workplace. You may feel that this form of punishment has served you well in your life, or you may have found it no use at all. From this experience, you may think that punishment is a 'necessary evil'—that is essential for the raising of children or for the regulation of adult human life—or it may have led you to think that such sanctioning is counterproductive, even harmful.

Punishments are invoked when someone is believed to have done something wrong. This means that they are believed to have breached the rules, whether those rules are legal, social, organisational or moral. Wrongdoing and rule breaking are probably inevitable in human societies, and so the pertinent question becomes 'how should we respond when wrongful acts and breaches of rules occur?' Should we aim to include or exclude offenders, to help them, to control them, or to harm them? Alongside this, we must also recognise that the manner in which rules are defined and understood may vary over time and space. Rule breaking and doing wrong reflect the different values, goals and interests of those in positions of power, and of those who define the rules in the first instance. Consequently, some wrongdoing is illegal and defined as a 'crime', while other forms of harm are not. Furthermore, whether a person is punished for a wrongdoing is not only a consequence of the act itself; it is just as important to think about who the offender is. You may often have heard the term 'don't do as I do, do as I say': an adult or teacher (people in positions of power in a given social context) who breaches family or school rules may be much less likely to face sanctions than a child or student (the powerless) who does the same.

The nature and extent of action that the government and its official servants take in response to human wrongdoing tells us a great deal

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about the kind of society in which we live. Many penologists and politicians have highlighted over the centuries that the way in which we deal with offenders is a major indication of the level of civilisation and commitment to human rights and civil liberties in our society. The study of punishment and penalties, then, is not only about those who are subjected to them, or even those who work in the criminal justice system, but is something that goes to the heart of our culture. We may only be bystanders in the punishment business, but it is in our names—and apparently our interests—that the harms of punishment are inflicted.

The study of punishment has a very long history. There are documents detailing penal philosophy in the times of the ancient Greek civilisation, and both Plato and Aristotle wrote on punishment. There is also evidence of penal theory in the Egyptian and Roman civilisations. You have probably heard the saying 'an eye for an eye, a tooth for a tooth'. This phrase is derived from the ancient Jewish tradition of lex talionis (the principle of balance). Although it is still widely used today, its real meaning of restoring balance is often misinterpreted. The great social thinkers, sociologists and philosophers—from Kant and Hegel, to Durkheim and Foucault—have all written about punishment, with the latter writing also on imprisonment. But the discipline of penology is often seen as emerging in the eighteenth century, with the philosophical insights of Enlightenment thinkers such as Cesare Beccaria and Jeremy Bentham, alongside the penal reforms inspired by evangelical Christians such as John Howard and George Onesiphourus Paul. What all of this indicates is that the history of 'fugitive thought' on wrongdoing and punishment is closely tied up with a number of different disciplines, and with the work of penal practitioners and reformers. You should be aware that this multidisciplinary approach and pragmatic application of knowledge continues to shape the discipline of penology today.

What is penology?

Penology is a multidisciplinary subject that aims to study and evaluate the application of penal sanctions to wrongdoers. It has broadly focused on the justifications, characteristics and effectiveness of penal institutions. Since the eighteenth century, many penologists have conceived of prison as a place with rehabilitative potential, emphasising

its role as a means of reducing reoffending or of instilling moral backbone into offenders. For much of its history, penology has concerned itself with the achievement of such progressive, practical and technical goals. More recently however, penologists have expanded their remit to examine the daily lives and culture of prisoners and staff, and some of the inherent dangers of confinement. This has highlighted the regressive consequences of prison. Since the 1960s, penologists who are very critical of the penal system have evaluated its practices and legitimacy, calling for society to end the use of imprisonment and to consider non-punitive responses to wrongdoing and rule breaking.

Penology attempts to understand the complex, difficult and emotive issues that are raised when we think about punishment:

Penologists are interested in the responses to human wrongdoing and, specifically, in the practices, forms and evolution of the punishment and social controls that exist in contemporary society.

Penologists focus on the criminal justice system/criminal process and develop arguments concerning its legitimacy.

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Although united in their focus of investigation, penologists come from a wide range of disciplines, including psychology, geography, history, philosophy, social policy, sociology and criminology.

In general, penologists look to understand the deployment of penalties within their social, cultural, historical, economic and political contexts.

When thinking about the criminal justice system/criminal process, penologists use their 'imagination' and do not take the practices, or even existence, of punishment at a straightforward or common-sense level.

Unlike practitioners, who are concerned almost exclusively with the operational practices, laws and procedures shaping punishments and their apparent effectiveness, penologists also ask broader questions concerning who we punish, for what offence, when and why.

Penologists are interested in the justifications of penalties and social sanctions, and develop a specific theoretical framework that informs, and shapes, their research and arguments.

You may have noticed we have not mentioned 'crime' here. It may be that you think the meaning of 'crime' is relatively straight forward. You know what it is, and you also have an idea about the kinds of people

who commit it. But in reality 'crime' is not self-evident. It is constructed, defined and contested in different ways by different people. You may conclude that 'crime' causes 'harm', but who decides what counts as 'harm' and why? This is not to say there is no connection whatsoever between 'crime' and punishment, but the relationship is very complex and penologists have looked to other factors influencing punishments.

Some penologists put the word 'crime' in inverted commas to indicate that the content and meanings of the term are contested. They may offer alternative words, such as 'troubles', 'problematic behaviours' or 'social harms' to describe rule breaking and wrongdoing.

THINKING OUTSIDE THE BOX

The key to success in your course is to learn how to 'think like a penologist'—that is to say, to learn how to speak academic language, using the terms and phrases that mark out 'penologist speak' from that of everyday talk on 'crime', punishment and imprisonment. This book will give you hints and tips about when and how to use this language, and on the ways of thinking about the world that come with this language. It is important that you use the appropriate terms and phrases— but there are no easy shortcuts here: you must be able to unpack terms and use them. Academic language is a form of shorthand, and to get good marks you must be able to demonstrate that you fully understand the words you are using and their implications for the deployment of penalties in society.

To think like a penologist it is important that you think critically about prisons and punishment. This does not mean that you simply criticise everyone and everything, but rather that you are able to develop analytical skills that help you to evaluate and judge the issues that you are studying. 'Crime' and punishment are popular issues for debate, but discussions about them are often rooted in complete misunderstandings of key facts and issues. The kinds of stories that you read in newspapers or hear generally, in pub talk or on a radio phone-in, are pragmatic, individualistic and authoritarian. We assess the pitfalls of

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such 'everyday' sources of penal knowledge in the next chapter. You must allow yourself the opportunity to think beyond such penological illiteracy. You must be able to develop an analytical and critical

framework when assessing the validity and appropriateness of current forms of punishment and imprisonment, and to engage with wider social theory, philosophy, social policy, history, psychology and, especially, sociology.

Thinking like a penologist involves challenging taken-for-granted and populist assumptions. It involves taking on what appears, at first, to be quite alien ideas. One of the most remarkable arguments made by penologists is that we should rethink the relationship between 'crime' and punishment. You have probably grown up and lived your life with the belief that the existence of punishments is intimately tied to the problem of 'crime', and that the extent of 'crime' is the most important factor in determining the level of punishment. But some of the most important and influential penologists, such as Emile Durkheim, Georg Rusche and Michel Foucault, argue that 'crime' is relatively insignificant, and that the form and extent of punishments in society must be understood through its relationship with other social, cultural, economic and political factors. This is why much penology draws on the 'classical' sociology of Emile Durkheim, Karl Marx and Max Weber. These Victorian scholars were concerned about the growing instability of social life during the period of nineteenth-century industrialisation. The world has changed dramatically since then but the crises of social order confronted by these thinkers and the ideas they developed from them continue to be of relevance today. A contemporary penological perspective is that public opinion has hardened over recent years in favour of more severe and increasingly vindictive forms of punishment. Economic uncertainty caused by rising unemployment and job insecurity has fuelled public enthusiasm for tougher 'crime' control measures. Governments seeking re-election have responded by instigating a new 'culture of control' (Garland, 2001) directed primarily at marginal and excluded groups held responsible for threatening the economic and social order (Feeley and Simon, 1992; O'Malley, 1999a). Thinking like a penologist means thinking outside the box.

Penology is a theoretical discipline and, when theorising about punishment and imprisonment, it is important that you are able to locate the issues and debates within the 'big picture'. One of the best ways to do this is to develop what has been described as your 'sociological, criminological or penal imagination' (Mills, 1959; Barton et al., 2006; Smith, 2008; Young, 2011). This is a quality of mind, a particular way of approaching, thinking about or interpreting complex, 'fugitive' social problems and their possible implications and resolution. Unlike 'pub talk', you look to uncover wider social, political and economic factors

that might influence who is punished and why. Central to penological thought are concerns around power. This entails critical analysis of the form and nature of wider power relations in society, and of the exercise of the power to punish. You must constantly be aware of 'power' when thinking about punishment: who has the power to define and label; who are the powerless; who are the powerful; and how these power differentials shape crime controls.

To think like a penologist, you should attempt to understand punishments within their structural, social, historical and political contexts. You should try to form an understanding of the world in which individual choices, experiences and daily lives are located within a given historical moment and wider structural contexts, such as age, gender, sexuality, financial resources or perceived 'race'. You should consider how

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the wrongdoing and rule breaking of people at the lower end of the social hierarchy may be perceived and responded to differently from that of those at the top. You should also try to see things from different political ideologies and perspectives, including the world views of the prisoner and the powerless.

Using your imagination

It is perhaps stating the obvious to say that the only people who can tell us what the experience of imprisonment is really like are those who have actually been in prison. You can, however, study penological and sociological research on prison culture, and/or read prisoner autobiographies to gain some insight of what it would be like to be imprisoned. What is clear from these sources is that prison is a lonely, isolating, disempowering, brutalising and dehumanising experience.

Imagine being locked in your bathroom—put an inspection hole in the door; put bars on the windows; remove the bath and, in its place, put three beds. Then imagine what it might be like to spend 15–23 hours a day in this 'cell'. Imagine what it would be like if the two people you most dislike in the world were to be in the cell with you. You must eat, sleep and defecate in your cell in the company of others, and it is possible that all three activities may be going on in this small space at the same time. If you leave your 'bathroom/cell', you have only very limited choices, power or sense of personal responsibility: somebody else will open doors for you; somebody else will tell you what to do, where to go, when to eat, work, sleep and, perhaps, even when to speak.

This may be a worst-case scenario in relation to imprisonment in many Western nations, but it remains an all-too-common reality of prison life in the UK today. Using our imaginations in this way presents us with a frightening picture of the potential impact of imprisonment on the conception of the self, even before we start to talk about the minutiae of prison life: the (poor) quality of the food; the limited access to family friends, and constructive activities; the negative attitudes and treatment of other prisoners or of the staff guarding you; and the day-to-day boredom. It is difficult to see how this environment can do anything to help the perpetrator acknowledge the harmfulness of their wrongful behaviour or meet the needs of victims, except perhaps to satisfy an understandable, although not necessarily healthy, desire for revenge. Yet prison persists.

When thinking like a penologist you can develop a new vocabulary for understanding the lived experiences of those you are studying. As Charles Wright Mills (1959) intended, using your sociological imagination can help you develop ways of understanding the social world that intimately connect individual meanings and experiences with wider collective or social realities. Moreover, it should help you understand why many penologists believe that prisons must be placed within wider social and structural contexts, rather t

considered in isolation. For example, how the public meaning of punishment develops and changes over time according to cultural and political forces. To 'think like a penologist', then, entails using your imagination when contemplating punishments.

"What factors do you think are important to consider when explaining the relationship between 'crime' and punishment?"

In framing your answer, you need to think past making a simple connection between the incidence of 'crime' and fluctuations in prison populations. This does not stand up to scrutiny. Consider the relationship

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more widely than this, taking into account how characteristics of penal systems are subject to social, cultural and economic change.

Identify specifically what these changes are, what they entail, and the impact they have on public and political responses to 'crime' and punishment.

"How does thinking like a penologist differ from 'common sense'?"

First, reflect on how 'common-sense' understandings about punishment and prisons form. What has influenced you most, and how and why your own opinions and beliefs have changed over time. Consider personal experiences, as well as the experiences of others—family, friends or acquaintances at school. Think also about how 'crime' and punishment is presented on television programmes, in popular fiction, films and music lyrics; and by journalists, politicians, and 'celebrities'. Acknowledge what has influenced you most. Your opinions and beliefs are important and you are entitled to express them. But be prepared to suspend and to challenge them. After all, the reason you have come to university is to learn new ideas and perspectives. Now compare the distinctive features of each of the 'common-sense' sources of your 'knowledge' and understanding with the definition of penology and the notion of the penological imagination presented above.

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