

Why does America Believe in Punishment?

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Introduction

Why does America uphold the concept of punishment? Many researchers, authors, philosophers, and sociologists have considered this subject. However, there is no single definite answer because different views contribute to this complex subject. Some claim that punishment is an effective means of disciplining disobedience, while others argue that, adherence to rules and the pursuit of justice for immoral behavior would waver without punishment. To understand America's belief in punishment, examine the definition of "punishment" and its different forms in the American context. According to Merriam-Webster Dictionary, "punish" includes imposing penalties for faults, offenses, or infractions and inflicting retributive or retaliatory penalties for perpetrating offenses. Understanding this phrase is critical in identifying the most common punishment in America: incarceration enforced by the criminal justice system. In this talk, I will look at the current landscape of punishment in the United States. However, before getting into the complexities, it is critical to investigate the fundamental causes of America's emphasis on punishment. Why is incarceration the foundation of America's punitive policies? Who suffers the burden of this type of punishment, and are there other means of penalization that might be used instead of punitive measures?

Many believe that the desire to punish those who have transgressed is deeply rooted in human nature. Hammurabi's Code, which famously advocates "an eye for an eye," is a perfect example of this concept. Though enacted as legislation under the Babylonian Empire from 1792 to 50 B.C.E., it was primarily used for punishment and the pursuit of justice. Throughout history,

numerous communities have enacted laws and regulations for their citizens to follow, with violations addressed with appropriate consequences. One extreme example of harsh punishment happened during the American slavery era when slaves were dehumanized and regarded as fundamental property, like animals. Attempts to escape captivity were often met with cruel punishment, such as mutilation, execution, or public lashings in front of their family. Fortunately, modern ways of punishment have moved beyond such brutality. According to (Brennan, 2004, p. 369), America's punitive practices stem from Alexander Hamilton's belief that a penalty for noncompliance must accompany a law. The concept of repercussions for defiance permeates many aspects of society. Transgressors are severely punished in the criminal justice system.

Similarly, households frequently implement disciplinary measures, teaching children from a young age that misbehavior has consequences. While some families resort to physical punishment, such as belt or shoe beatings, others prefer softer penalties, such as timeouts or social limitations. In educational environments, detention, grading, and suspension enforce discipline. These examples support Hamilton's view on the relationship between disobedience and punishment, suggesting society's agreement on the importance of repercussions for transgression. People subconsciously embrace this social compact by accepting responsibility for their acts and the requirement to follow governmental regulations.

With over 1 million people currently incarcerated, modern American society has one of the world's highest incarceration rates. According to the Bureau of Justice Statistics, the jailed population increased by 2% between 2021 and 2022. In 2022, significant

demographic split revealed that 32% of those sentenced to state or federal prisons were Black, 31% were White, 23% were Hispanic, 10% were multiracial or of another race, 2% were American Indian or Alaska Native, and 1% were Asian, Native Hawaiian, or Other Pacific Islander. The concept of the panopticon, derived from the legend of Argus Panoptes, a giant with a hundred eyes signifying all-seeing vigilance, served as the foundation for the United States jail system. This architecture consisted of a multi-story circular construction housing cells that encircled a central courtyard and was guarded by an elevated tower with one-way windows. While panopticons were phased out in 2016, their impact can still be felt in modern prisons. However, mass incarceration in America began in the 1970s, spurred by politicians from both the Democratic and Republican parties who used fear and veiled racial rhetoric to advocate for more punitive measures. This movement gained traction under President Nixon's administration, which was marked by the declaration of a "war on drugs" and tough-on-crime rhetoric. Nonetheless, mass incarceration hit all-time highs under President Ronald Reagan's administration. During Reagan's reign, the jail population doubled from 329,000 to 627,000. Intensified punitive measures, led by Reagan, increased incarceration rates, disproportionately affecting black men. The government's deliberate distribution of drugs and firearms in low-income neighborhoods worsened gang violence, drug addiction, killings, robberies, and mental health crises, making marginalized groups more vulnerable to punitive measures.

Despite composing only 13% of the population, African Americans continue to endure disproportionately high rates of incarceration in the United States. According to research, the average number of White people in jail increased by less than 1% between March 2020

and December 2022, compared to an alarming 8% increase for Black people throughout 349 facilities evaluated (Wertheimer, 2023, p.1). While incarceration affects people of all races, it has a disproportionate impact on the Black community. Many black families are forced to become single-parent households because of a parent's incarceration. To add to the inequity, minorities frequently suffer worse punishments than their counterparts, as seen by examples in which Black people face 10-15 years in prison for drug-related charges such as cocaine distribution, while white people face 5-8 years.

Furthermore, examples like the Central Park 5, in which five young men—Korey Wise, Kevin Richardson, Raymond Santana, Antron McCray, and Yusef Salaam—were falsely arrested and charged with raping and assaulting a jogger in Central Park, highlight weaknesses in the prison system. Despite their youth at the time of arrest, ranging from 14 to 16 years old, and their apparent innocence, they experienced years of unlawful imprisonment. One member of the Central Park 5, Korey Wise, served 12 years in prison after being sentenced as an adult at the age of sixteen. Wise was 28 years old when he was released from jail. In prison, Wise was beaten and sexually harassed multiple times by other inmates, placed in solitary confinement, and so much more, all while struggling with hearing issues and having a learning disability. Kevin Richardson, who was only 14 years old, was tried as a juvenile for attempted murder, rape, sodomy, and robbery. Richardson was sentenced to 5-10 years and was released by 23 years old. Raymond Santana was also 14 years old during the Central Park 5 incident. Santana was sentenced to five years as a juvenile and was convicted of rape, assault, robbery, and riot charges. Santana was 19 years old when he was released. Antron

McCray was 15 years old when he was convicted of the exact charges of all four boys. McCray was sentenced to 5-10 years but was released at 21 after serving six. Lastly, Yusef Salaam was 15 years old when he was tried as a juvenile and convicted of rape and assault. Salaam served seven years in prison until he was released at the age of 22. Although all five men endured horrific circumstances while spending so much time away from family members, all while being teenagers, Korey Wise did face the most punishment out of all the boys since he was tried as an adult at only the age of 16. This tragic story highlights the inherent problems and racial biases in the criminal justice system, questioning the concept that incarceration is always an effective means of disciplining immoral behavior.

In my opinion, it is inherent in human nature to occasionally transgress from laws and regulations. Furthermore, the tendency to punish perpetrators stems from a shared desire for equality. However, the current landscape of punishment in the United States is not only excessively harsh but also lacks appropriate rehabilitation techniques. I agree with Michelle Alexander's argument that our jail system resembles the oppressive structures of the New Jim Crow era, with laws and regulations that disproportionately affect minorities—accepting transformative justice tactics as the first step toward reform and embracing restorative justice as the final phase is critical. Transformative justice investigates the root causes of problems before they worsen to bring about change, healing, or transformation from the start. Though punitive justice is prevalent in our society, transformative justice shows potential by encouraging collaborative efforts across communities to assist individuals in need. For example, community involvement in helping struggling adolescents with hunger or abuse issues can prevent escalation into criminal behavior such as theft or

robbery. Advocating for transformative justice within our legal structure and policies is critical, emphasizing nonviolent responses to violence. Prisons continue the cycle of violence by subjecting convicts to additional assault. Restorative justice, like rehabilitation, focuses on assisting convicted people to reintegrate into society once they acknowledge their wrongdoings. Establishing communication between offenders and victims, with the victim's cooperation, could be a beginning step in this process, allowing for accountability and healing. While the criminal justice system frequently relies on removing criminals from society, like school expulsions, this strategy fails to address the underlying causes of criminal behavior. By prioritizing problem-solving and improvement tactics above punitive ones, we have a higher chance of reducing crime and creating a safer society.

In conclusion, America's fundamental belief in punishment originates from societal conditioning that has invaded every aspect of our lives. Originating with the concept of panopticons, which evolved into today's prisons, this cycle of punishment begins in childhood with parental discipline, continues through the educational system, and persists into adulthood as we chastise our children, perpetuating the cycle. It is especially alarming that punishment has become so firmly embedded in our subconscious that we frequently internalize it, believing that we are continuously being watched and deserving of punishment, even when there is no radiating surveillance. The result of America's punitive policy, particularly its emphasis on incarceration, is the phenomenon of mass incarceration, with over 1 million people currently imprisoned, the majority of whom are Black. However, the jail system not only works as a deterrent but also contributes to a cycle of violence in our society. Our government must explore alternative means of dealing with disobedience rather

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than relying solely on punishment. Instead, adopting transformative and restorative justice can lead to healing and reconciliation. Rather than simply imposing punitive measures based on individual situations, we can uncover underlying issues and strive toward restoration and healing by looking at individuals' circumstances and backgrounds on a larger scale.

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