Theoretical Analysis of Some Punishment Paradigms in the Criminal Justice System

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Pg. 70-81

Abstract

Demands for criminal justice delivery through instrumentality of punishments have remained a contentious issue. The philosophical grounds in which punishment paradigms were anchored have continued to generate controversial debates not only within the criminal justice circle but also within the wider public oversight. This paper examined the contending theoretical backgrounds through which criminal justice delivery had been operating over the years. It x-rayed the contextual application of some major punishment paradigms and equally highlighted on their drawbacks. The methodology used was based on the secondary sources from the literatures. The theories examined ranged from the utilitarian theory of punishment, the deterrence theory, the retributive theory, the pure consequential penal theory, side-constrained consequentialism theory, defiance, the Kantian prohibition and rehabilitation theories of punishments which were indications that punishment of crimes had taken many pathways in an effort to safeguard the society. To a reasonable extent, the above theories have contributed to the understanding of administration of criminal justice worldwide. However, the criticism that have trailed the existing punishment paradigms, indicate that much is still needed in the search for balanced criminal justice delivery in the area of punishment mechanisms. This necessitated this paper to argue for a wake-up call to scholars to postulate a theoretical framework that will align with the contemporary criminal justice delivery demands and for policy makers for a paradigm shift by legislation to meet the present demands and challenges.

Keywords: Crimes, Offenders, Punishment Mechanism, Justice, Deterrence

Introduction

Criminal Justice System operates within the confines of a political framework. It is "a product of political creations for the management of serious deviance especially those that fall within the classification of crime. It is any formally organized process that play the role of preventing, curtailing, examining crimes, the punishment and rehabilitation of offenders or formulate policies that deal with crime (Ugwuoke, 2010: 33). Over the years and always, Criminal Justice System had faced public scrutiny in addition to administrative burden by its enforcement agencies. These agencies that are more directly involved in criminal justice operations include; the Police, Court and Correctional institutions (Siegel, 2010; Reid 2006; Incardi, 2002; Schmalleger, 1995). The issue remains that the outcome of the criminal justice operations are defined by the philosophical underpinnings of the punishment paradigms. The implication is that the processes of administrating justice and the resultant punishments determine the desirability or undesirability of the outcome of the criminal justice delivery.

Punishment according to Roberts and Hough (2002) is the instrument for regulating human behaviour in any society. It is a kind of sanction received for failing to comply with the rules and norms of the society. Also, punishments serve as a way of doing justice, inflicting pains on the offender, acting as a deterrence and shaming the offender (Igbo & Ugwuoke, 2013:166). This can come in form of payment of fine, jailing, public ridicule etc. Allen (2004:20), based his definition of punishment on the following criteria: Firstly, that punishment must be unpleasant to the victim; secondly, it must be for an offence, thirdly, it must be for an offender or somebody who is answerable to this offenses, fourthly, it must be administered by formal agencies and finally, punishment must be imposed by virtue of some authority. He further argued that punishment also include the total act of law-making, penalization, finding guilty, and pronouncing a sentence. To him punishment is a conditional act and cannot be isolated from its total context. Scheafer (1989: 173) believe that offenders deserve to be punished for the society to function appropriately because, if massive number of people defiled standards of appropriate conduct, society will collapse. Schied (1997), stated that "punishment can be said to involve the imposition of something that is intended to be burdensome and painful on a supposed offender for a supposed crime by a person or body who claim the authority to do so". In other words, the law defines crime as crime and crime is that to which punishment is imposed and a state that has the political authority to make and enforce the law and to impose punishment. Other scholars conceptualized punishment simply as the infliction of suffering or the restriction of freedom. For the psychologists, punishment refers to a consequence that decreases the likelihood that a behaviour will occur (Santrcuk, 2000:202). To them, when punishment is applied, behaviour is weakened; this is because response to antisocial behaviour decreases because of its consequences.

Punishment has been variously conceptualized and defined in ways and patterns that suit the different justifications of punishment or rather the purpose which they think punishment should serve. Generally speaking, punishment is a sanction used to encourage conformity and obedience and to discourage violation of social norms (Schaefer, 1989). Every society has various ways of maintaining law and order among its members. Conformity to these established rules of behaviour is enforced and maintained through formal and informal system of social control. These systems exist to ensure adherence to these rules of behaviour through the application of

different' kinds of sanctions in form of punishments to law breakers or those who have violated the set-down rules of behaviours. This study therefore focuses on the critical review of punishment paradigms and propositions as put forward by scholars over the years as the society progressed from simple to complex. The argument mainly is centered on the object of punishment and for what purpose it should serve. Scholars have come up with several theoretical explanations of punishment based on the system of rules and values of the society trying to determine what kinds of punishment should exist for various kinds of antisocial behaviour.

Theories of Punishment: Utilitarian Paradigm

Traditionally, the theories of punishment are considered separately, in practice, lines are not easily drawn. Allen (2004) stated that this is particularly the case with the utilitarian theories of punishment: deterrence, and rehabilitation. Utilitarianism according to him arose in the eighteenth century and was originally addressed to social policy as a basis for penal reform and legislation. In the twentieth century it is still probably the most influential philosophy at least in the penal sphere, and utilitarian principles largely determine present penal policy (Allen, 2004: 1 0). For the utilitarian, every act including the act of punishment can be evaluated on the basis of its consequences. So it is not surprising that the utilitarian says that punishment is appropriate if and only if it is likely to have good effect. For the utilitarian, no punishment is justified simply because a person did an evil act. If nothing good will come out of it, punishment is not justified. Utilitarian claim that the modem humanitarian approach to punishment tries to cure people rather than blame them. It therefore has a deterrent effect as well as curative elements.

Deterrence Theory of Punishment

Jeremmy Bentham, as the founder of this theory, states that general prevention ought to be the chief end of punishment as its real justification. If we could consider an offence which has been committed as an isolated act, the like of which would never reoccur, punishment would be useless as it would only be adding one evil to another. But when we consider that an unpunished crime leaves the path of crime open, not only to the same offender but also to all those who may have the same motive and opportunities for entering upon it, the perception will be that punishment inflicted on the individual offender becomes a source of security for all. To all, general sentiments are elevated to the first rank of benefits when it is regarded not as an act of wrath or vengeance against a guilty or unfortunate individual who has given way to mischievous inclinations, but as an indispensable sacrifice to their common safety (Bentham in Allen, 2004:11). Bentham's theory was based on a hedonistic conception of man and that man as such would be deterred from crime if punishment was applied swiftly, certainly, and severely. But being aware that punishment is an evil, he concluded by saying that if the evil of punishment exceed the evil of the offence, then punishment will be unprofitable as one would have purchased exemption from one evil at the expense of another. The basic idea of deterrence is to deter both offenders and others from committing a similar offence. But also in Bentham's theory was the idea that punishment would also provide an opportunity for reform.

The idea that punishment deters crime is discounted by most modern theorists. It is an axiom of criminology that crime could be readily reduced if criminals were certain to be apprehended. Zimring (1971) made a scholarly exploration of this problem and identified three types of deterrence; general

deterrence, special deterrence and marginal deterrence. General deterrence according to him is the basic society objective of discouraging large population from committing crime. The focus is on the degree of penalty necessary to accomplish this objective. Special deterrence refers to the threat of punishment on the offender, or recidivist, the criminal repeater. Marginal deterrence in related to both of these and is concerned I with the question of whether or not a more severe penalty would be greater deterrent than a less penalty. It focuses on the legal apparatus which can increase or decrease deterrence.

Scholars such as Kant (2004), faulted this theory on the ground that it uses the offender to attain other ends other than that which could benefit the offender as an individual. The theory uses, the individual offender as a means to an end rather than as an end itself. It is argued that when you punish a man and make him an example to others you are admittedly using him as a means to an end; someone else's end. The theory focuses on the deterrence function of punishment to others and tend to loose sight of what happens to the offender itself and the tendency for the offender to receive punishment more than he should becomes high. It has been also argued that its reformative nature is also eroded in the sense that offender will tend to react to the immediate pain of punishment rather than its future deterrence. The pain incurred by the offender most times lack intrinsic curative tendency and because the reaction tends to be towards the pain, the offender may return to the society to unleash more mayhem than before. The contribution of this theory to the understanding of punishment is the basic facts that fear of punishment to a large extent deter individuals from committing certain kinds of crime. Secondly, using an individual who has been found guilty of a crime and therefore deserve to be punished to set an example for thousands of other potential criminals is considered to be a positive contribution.

Retributive Theory

'Retribution means merited punishment, something given in recognition of a deed done. It is the crux of this school of thought that people are punished for them to receive their merited punishment or just due for the harm done to society' (Tarhule, 2014: 11). Utilitarian theories are forward looking. They are concerned with the consequences of punishment rather than the wrong done which in the past cannot be altered. A retributive theory on the other hand sees its primary justification in the fact that an offence has been committed which deserves punishment of the offender. Kant in Allen (2004) argued that "judicial punishment can never be used merely as a means to promote some other good for the criminal himself or civil society, but instead, it must in all cases be imposed on him only on the ground that he has committed a crime; for a human being can never be manipulated merely as a means to the purpose of someone else ... He must first of all be found to deserve the punishment before any consideration is given of the utility of punishment for himself or his fellow citizens" (Allen 2004: 12). Kant argues that retribution is not just a necessary condition for punishment but also a sufficient one. Punishment in that sense, is an end in itself. Retribution could also be said to be the natural justification, in the sense that man thinks it is quite natural, and that a bad person ought to be punished and good person rewarded. Divine punishment was also used as an example to support retributive theory of punishment. According to Powell in Allen (2004), the doctrine of hell was formed in terms of a retributive theory of punishment. In so far as there was a deterrent element, it is related to the sanction hell provided for ensuring moral conduct during a man's earthly life (Allen 2004:12).

Humanitarian theorists condemned this theory on the ground that it is immoral and barbarous. They maintain that to punish an offender first because he deserves it and as much as he deserves it is mere revenge and therefore barbarous and immoral. Bentham saw retribution as adding one evil to another, baseless and repugnant, or an act of wrath or vengeance. It is their view that the only legitimate motives to punish is to deter others by example or to mend the criminal. However, Morris (1974) and Murphy (1977) in their positive retribution perspective hold that the guilty must not merely be punished but that they should be punished to the extent that they deserve. To them, penal desert constitutes not just a necessary but a sufficient reason for punishment, or at least a strong positive reason for it. Positive retributivism is thus the idea that the positive justification or punishment is to be found in its intrinsic character as a deserved response to crime. Retributivism in its different forms tries to answer the two central questions faced by retributive theory of punishment. First, what is the justificatory relationship between crime and punishment that the idea of desert is supposed to capture, that is, why do the guilty deserve to suffer and what do they deserve to suffer? Secondly, even if they deserve to suffer, why should it be for the state to inflict that suffering on them through a system of criminal punishment?

Sadursky (1985) and Sher (1987) in their answers to these questions claim that crime involves taking an unfair advantage over the law-abiding, and that punishment removes those unfair advantages. The criminal law benefits all citizens by protecting them from certain kinds of harm, but these benefits depend upon citizens accepting the burden of selfrestraint involved in obeying the law. The criminal takes the benefit of self-restraint of others and refuses to accept that burden himself He gained the unfair advantage which punishment removes by imposing some additional burden on him. In other words, what the criminal deserves to suffer is the loss of his unfair advantage and he deserves that because it is unfair to get way with taking the benefit of law without accepting the burdens on which those benefits depend. It is however the state's responsibility to inflict this suffering on him because it is the author or guarantor of the criminal law. Retributive theories further argued that central to the meaning and purpose of punishment is to communicate to offenders the condemnation that they deserve for their crimes and that it is appropriate for the state to ensure that such punishment is formally administered through the Criminal Justice System. Crimes are public wrongs because they breach the political community's authoritative code and should deserve condemnation by the community. This is with the intention that the person punished should accept the punishment as justified and will thus be motivated to avoid crime in future. The communicative nature of imprisonment can be expressed through hard treatment, punishments of the kind given by the law court through imprisonment, compulsory community service, fine and the likes which are painfully burdensome.

Schied (1997) criticized the above claims on the ground that they have internal difficulties. For instance, he posited the following questions; how are we to determine how great is the unfair advantage gained by a crime? How far are such measurements of unfair advantage likely to correlate with our judgments of the seriousness of crime? Furthermore, they seem to misrepresent what it is about crime that makes it deserving of punishment. What makes murder, rape, theft, assault or any criminal wrong deserving of punishment is the harm that it does to the individual victim not the supposed unfair advantage that the criminal takes over all those who obey the law. A different retributive account

appeals not to the abstract notion of unfair advantages but to our emotional responses to crime. This perspective can be faulted on the ground that society for centuries had been so vengeful and barbaric in the infliction of pain to wrongdoers in the name of punishment. It is only through collective efforts expressed in form of a state that a system of punishment for different kinds of wrongs could be articulated and expressed to avoid individualistic, indiscriminate and uncontrolled infliction of pains in form of vengeful punishment done to an individual. However, Utilitarian theory argues that in spite of what retributivism says, it is really nothing but revenge.

The Pure Consequentialist Penal Theory

The proponents of this theory especially Wootton (1963) and Menninger (1968) claim that any adequate justification of punishment must be basically consequential. By this they mean that any practice which seeks to inflict significant hardship or pain can only be justified if it brings consequential benefits sufficiently large to outweigh the hardship and pains. The most plausible immediate good that a system of punishment can bring is the prevention of crime. A rational consequentialist system of law will define as criminal only conduct that is in some way harmful. In preventing crime we will thus be preventing the harm that crime causes and punishment can prevent crime by incapacitating or deterring or reforming potential offenders. This theory was criticized on moral grounds that crime preventive efficiency does not suffice to justify a system of punishment. Critics argue that it could turn out that unjust punishment which is the punishment of the innocent and *excessively harsh punishment of the guilty would efficiently* serve the aim of crime prevention and consequentialists must then regard such punishment as in principle justified. But they would be wrong just because they would be unjust. This is because, according to the critics Kant (2004) and Morris (1974), we cannot thus put aside the moral significance of injustice.

Side-Constrained Consequentialism Theory

This theory propounded by Hart (1968), is seen as an off-shoot of pure consequentialism theory of punishment. It capitalized on the criticisms of pure consequential ism to posit that in pursuit of the beneficial effect of punishment, the unjust punishment of the innocent and the excessively harsh punishment of the guilty have to be forbidden. This means that punishments should be inflicted on those that merit it and to the measure which is commensurate to the crime committed. This theory however was criticized on the rights of moral standing of the guilty. To this, the proponents of self consequential theory argued that the theory is consistent with a proper respect to those who are punished or threatened with punishment by pointing out that it offers self-interested agents who are dead to the laws of moral appeal, prudential reasons which they can grasp and see as relevant (Montague, 1995).

Defiance Theory of Punishment

Increasing evidence shows great diversity in the effect of the criminal sanction. Legal punishment either reduces, increases or has no effect on future crimes depending on the type of offenders, offenses, social settings and levels of analysis. A theory of defiance propounded by Sherman (2006), seeks to explain the condition under which punishment increases crime. Procedural justice (fairness or legitimacy) of experienced punishment is essential for the acknowledgement of shame which conditions deterrence. Punishment perceived as unjust can lead to acknowledged shame and defiant pride that increases future crime. Both specific defiance by individual and general

defiance by collectivities results from punishment perceived as unfair or excessive, unless deterrent effects counter balance defiance and render the net effect of sanctions irrelevant. By implication, crime might be reduced more by police and court, treating all citizens with fairness and respect than by increasing punishments (Sherman 2006: 1). The Retributive theorists, who argued that the punishment should be inflicted on those who deserve it and according to the measure they deserve are also against unjust punishment. The utilitarian who argued that punishment is justified only when the outcome benefits the offender and the society are also against unjust punishment. Those referred to by this theory are the offenders and not the innocent, so when an innocent person is punished, it might lead to personal shame and aggression and might indeed actually trigger off future crime.

The Kantian Prohibition Theory of Punishment

The Kantian prohibition theory of punishment propounded by Emmanuel Kant holds that if we are to treat another "as an end" with the respect due to he or she as a rational and responsible agent, we must seek to modify his or her conduct only by offering him or her good and relevant reasons to modify it for him or herself. This theory openly challenged reformative punishments that aim simply to modify offender's dispositions so that they can in future willingly obey the law. It is also against incapacitative punishment that aims simply to prevent offenders from committing further crime. Kantian theory did not hide its contempt for the deterrent punishments, which aim simply to give potential offenders prudential reasons to obey the law. The theorist argues that: a purely reformative system treats those subjected to it not as rational self- determining agents, but as objects to be reformed by whatever efficient and humane techniques it can find. A purely incapacitative system does not leave those subjected to it free to determine their own future conduct, but seeks to pre-empt their future choices by incapacitating them. Although, a purely deterrent system does offer potential offenders reason to obey the law but it offers them a wrong kind of reason. Instead of addressing them as responsible moral agents in term of moral reasons which justifies the law's demand on them, it addressed them merely as selfinterested beings in the coercive language of deterrent threat instead of with the freedom and respect due to them as man (Ashworth, 1998).

Abolitions Penal Theory

Proponents of this theory such as Christie (1997) and Hulsman (1986) argued that legal punishment cannot be justified and should be abolished. Abolitionists claim that, not only that existing penal practice are not justified but that they are so radically inconsistent with the values that should inform a practice of punishment especially those involving imprisonment, that they cannot be justified even in principle (Duff, 1996). Christie (1977) and Hulsman (1986) further argued that we should seek to eliminate the concept of crime from our vocabulary and that we should talk and think not of crimes but of conflicts and troubles. This is because crime entails punishment as its appropriate response, but according them, there could be system of criminal law without punishment. It is appropriate to have a public response to a crime or wrong done to an individual but that response could consist of nothing more than calling the alleged wrongdoer to answer for her alleged wrongdoing after which his or her actions are condemned if found guilty. That condemnation is a kind of punishment but it does not entail the kind of punishment imposed after conviction with which penal theorists are primarily concerned. Another abolitionists concern is that by defining and treating conduct as criminal, the law steals the conflicts which

crime involves from those to whom they properly belong. Instead of allowing and helping those in conflict to resolve their trouble, the law takes the matter over and translates it into the professionalized context of the Criminal Justice System in which neither the victim nor the offender is allowed any appropriate or productive role (Christie, 1977). Here, they argued that the response to crimes should consist not in punishment but in a process of mediation or restoration between victim and offender.

This theory is quite immense and seems to be at the extreme of humanitarian theory which has the interest of the offender and the victim at heart. It sees punishment as barbaric and unjustifiable in any sense as a response to crime. However, it failed to clearly show the appropriate system that should engage in the process of mediation or restoration between the victim and the offender and the modalities Upon which the restoration or mediation should be based. In the case of lose of life, which parties should be mediated between or restored? When it involves a repeat offender, what should be the appropriate solution? If the word "crime" is removed from our dictionary, according to the abolitionists, what become of those crimes or rather wrongs that do not involve parties such as drug trafficking and all forms of corrupt practices that do not have any direct impact on an individual? What are they to be called? How can those involved in these kinds of crimes be restored outside the state apparatus with its coercive power? If this theory should address some of the above questions then it could be practicable. The major criticism against this perspective is its inability to identify and recognize the wrong done and make appropriate reparation for it. For when one asks what it is that require restoration or repair, the answer is not only just whatever material harm that was caused by the crime but to the wrong that was done which is what must be recognized and repaired or made up for genuine reconciliation to be achieved. This view deviated slightly from abolitionist theory on its argument that restoration should not replace punishment or serve as an alternative but rather serve as a proper aim of punishment (Duff, 2002; Zedner, 1994).

Against the above backdrop, the abolitionist theorists are not entirely against the maintenance of a system of criminal law which defines and condemns a category of public wrongs, but is against the maintenance of penal system which punishes those who commit such wrongs. A system of criminal law might require something like a system of criminal trials which will authoritatively identify and condemn criminal wrongdoers but does not by its nature require the imposition of further sanctions on such wrongdoers. It is however important to note that this theory is in close consonance with the restorative justice perspective which has its central them as the reparation of restoration of the offender, the victim and other interested parties. This is achieved not through a criminal process of trial and punishment but through mediation and reconciliation programmes that bring together the victim, offender and other interested parties to discuss what was done and how to deal with it (Walgrave, 2000).

Rehabilitation Theory of Punishment

Rehabilitation as a theory is more usually associated with treatment of the offender. According to Allen (2004) the theory thinks that all offenders are ill and need to be cured in the deterrent sense. Rehabilitation implies that through being punished, the offender recognizes his guilt and wishes to change. The formal and impressive condemnation by the society involved in punishment was thought to be an important means of bringing about that recognition. Similarly, others may be brought to awareness that crime is wrong through another's punishment and as it were "reform" before they actually commit

a crime (Allen, 2004). The prevailing modem view is that punishment should be reformative. The ultimate objective 0 punishment in this view is to bring about, social tranquility. This theory argues that people are self-determinate beings whose ability to freely choose is frequently obstructed by various conditions such as alcoholism, drug addiction, psychosis, etc. Therefore, the theory emphasizes treatment programmes that have the goals, of making offenders self-dependent. Treatment in this context can be defined as any and all efforts aimed at the remission of criminal behaivour and the social reintegration of the offender. It tries to improve the patient or client, or to alter unacceptable mode of behaviour. The fundamental objective of treatment is alteration or improvement. Thus rehabilitation theory is all about the treatment of the offender (Carney, 1977:15). It is motivated by humanitarian's belief in the worth and dignity of human person and the willingness to expand the effort to reclaim the criminal for his Own sake and not merely to protect the society, (Match & Jose,1991: 332). The humanitarians fostered the belief that punishment should be therapeutic rather than punitive in the interest of the offender and the society. They argue that, to punish a man because he deserves it and as much as he deserves it is merely revenge and therefore barbarous and immoral. The theorists maintain that the only legitimate motive for punishment is the desire to deter others by example or to mend the criminal.

However, critics of this theory argue that to the things done to the offender even if they id are cured will just be as compulsory as they were in the olden days when we call them punishment. If a tendency to steal can be cured by psychotherapy, the thief will no doubt be forced to undergo the treatment. Their contention is that this doctrine merciful though, it appears that each person from the moment he breaks the law is deprived the right of a human being. This is because, the humanitarian theory removes from punishment the concept of Desert; the prize an offender pays for committing a crime, which is the only connecting link between punishment and justice. The theory removes from the hands of the jurists whom the public conscience is entitled to criticize and place them in the hands of the technical experts whose special science do not even employ such categories as rights or justice. It therefore substitutes for a definite sentence an indefinite sentence terminable only by the word of those experts who inflict it. This theory claims that they don't "punish" or "inflict" but "heal, cure and treat". But the critics says, to be taken without consent from one's home, and friends, to lose one's liberty to be put in a kind of laboratory and be remade after some pattern of normality to which one never professed allegiance and to know that this process will never end until either the captors have succeeded or that one has grown wise enough to cheat them with apparent success, who cares whether this is called punishment or not? (Lewis, 1953). It implies that at this point, to arrest a person who flout the laws of the society and cause pain and havoc to law abiding members of the society is punishment, then it is a good one. If the critics also say that removing the criminal from that environment that probably causes him to commit crime and place him where he is to be reformed and rehabilitated with the intention to making him live a normal life within the ambits of the society is punishment, then, it is a well deserved one.

So, even if treatment is painful, even if it is life-long, even if it is fatal, the intention is purely therapeutic to all that deserve it which of course lies within the decisions of the jurist in a competent court of law.

Conclusion

The above theoretical perspectives to a large extent supported the use of punishment as a method of eliminating

undesirable behaviour and also to a large extent criticized the use of punishment as a method of correcting offenders. The point of departure among the theorists is on how, when, for whom, to what measure and on what intention the application of punishment should be based. It is important to note that, since society cannot function properly without an agreed way of life of any society, every member of the society knows what is wrong and what is right and one should be held responsible for one's actions. Most theories therefore agree with the retributive theory which says that people who commit crime deserve to be punished and to the measure which they deserve because, they know what is wrong and what is right and yet decided to choose what is wrong. To this end, it looks logical. This retributive theory has its drawback on the ground that they did not consider that there could be other socio-economic factors that could cause an individual to deviate from societal norms. It is at this point that one can see some merits with the utilitarian theory which advocates the use of punishment only when it is meant to achieve an outcome which outweighs the punishment. The utilitarian advocates a kind of punishment which is meant to achieve an end and not just to inflict pain. This is the point where they are in tandem with the humanitarians or the rehabilitation theory which see every offender as ill or sick and therefore in need of help or treatment. It recognizes the influence of socio-economic factors to human behaviour and therefore advocates for a kind of punishment that is therapeutic. Those theorists who posited that punishment should be abolished are yet to advance a proper reason why it should and I what should be used in place of punishment for there to be adequate reparation for the victim and the feeling of remorse and repentance from the offender; a situation that will benefit both the offender, the offended and the society.

Subsequently, it should be seen that despite the numerous theoretical guide on punishment paradigms, there were no general agreement on philosophical grounds. This lack of agreement has sustained the burden on the Criminal Justice System on how best to achieve appropriate punishment mechanisms for the overall wellbeing of the society. However, the numerous punishment paradigms analysed in this paper provided epistemological insights on numerous punishment philosophies and the context on which they were administered. Given the dynamic nature of the criminal world, it is difficult to invent an all embraced philosophy of punishment that can balance justice in the face of the nature of different crime situations and its offenders together with the victims. Despite the drawbacks inherent in the punishment paradigms analysed in this paper, it is clear that they had helped in no small way in the administration of criminal justice over time. So, as crime keep pace with human development, so shall also scholars and policy makers keep their focus on the possible emerging punishment paradigms. Since the above theoretical perspectives on criminal punishment could not seem to have provided adequate or balanced response to justice delivery by wrongs done by offenders, it becomes imperative for the academic researchers and policy makers to think on further approaches that can bridge the gap seen from the above analyzed paradigms.

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