

The Function and Purpose of the Criminal Justice System

Julia Fontana
Department of Philosophy

Thesis Advisor

Dr. Garrett Bredeson, Department of Philosophy

Honors Council Representative

Dr. Iskra Fileva, Department of Philosophy

Committee Members

Dr. Tim Wadsworth, Department of Sociology

Abstract:

This paper will explore the need for criminal law, why we should maintain criminal law, and how we maintain criminal law. It will center the argument for the maintenance of criminal law around the broad goal of criminal law to prohibit citizens from carrying out immoral actions destructive to society, and encouraging citizens to develop themselves in accordance with a set of socially desirable values. From these goals of criminal law, I will argue that it follows that the role of punishment in a criminal law system should be mainly aimed at moral education of offenders, although to a small extent, also function as a deterrent. It is through moral education that we are best able to stop the violation of the law. However, more importantly, through moral education we treat offenders as moral beings and develop their morals, which should be at the heart of any criminal justice system.

Introduction

In 2016, Ava DuVernay released the film *13th*, which detailed the racial inequalities present in the criminal justice system today. The film brought to light many of the harsh realities of the American criminal justice system. For instance, America makes up 5% of the world's population but has 25% of the prison population, which is disproportionately made up of people of color. In addition, 76% of the people currently held in local jails have not been convicted of any crime but are simply being held because of bail practices (Sawyer 2019). Moreover, 97% of people currently serving time in prison received no trial but rather took a plea bargain (DuVernay, 2016). These statistics outline only a few of the issues facing our current criminal justice system. In light of these issues it is important that we ask, what is the purpose of the criminal justice system? More specifically, why do we have criminal law, and why and how should we uphold criminal law? In this paper I will aim to outline several functions of a criminal justice system. First, I will outline why it is that we need criminal law and why we should want to maintain criminal law. Second, I will outline how we maintain criminal law. Namely, in maintaining criminal law we should focus mainly on morally educating offenders of the law. With this goal in mind I will explore the role that punishment should play in a criminal justice system. In order to lay out an ideal theory for the purposes of a criminal justice system I will make the large assumption that when I talk of criminal laws, these laws have morally acceptable content, and more importantly are fairly enforced. However, as Duvernay's film shows, this is not the case

in most societies, and especially not in the American criminal justice system. I will touch on the reason for this assumption later in the paper.

Why do we need criminal law?

Criminal law is a body of law that prohibits citizens from carrying out certain acts. Some of the acts that criminal laws aim to prohibit are those that seem to pose a general threat to society, such as murder, assault, or theft. These types of acts, however, also seem to be acts that we, as individuals, should prohibit ourselves from doing if we want to act morally. We have a reason to not murder, assault, or rob, not just because there are criminal laws against those acts but also because it would be morally wrong for us to do them. If we partake in these actions, we are not treating people with dignity or respect. However, I want to make clear the idea that *in general* these actions are immoral, although there may be some debate when there are extenuating circumstances connected to these actions. (That said, for the purposes of this paper, I'm not going to try to determine what makes such acts wrong.)

Criminal law also prohibits acts that don't seem to be obviously immoral. For example, misdemeanors such as disorderly conduct, indecent exposure, or minor in possession are not necessarily things we want to happen in society, but they also are not obviously immoral in the same way that murder, assault, or theft are. More specifically, we may believe that they are wrong but not in the same way that murder is wrong. Laws prohibiting these actions seem to aim at upholding order in society, as well as promoting the values we have or want to have in society. This line of reasoning makes sense if we track criminal law through history. For example, before 2014 in India,

unsuccessful suicide attempts were criminally punishable. However, in December 2014 India decriminalized suicide attempts (Ranjan, 2014). This shift in criminal law shows a shift in how Indian society wanted the wrongness of suicide to be viewed. It is not that suicide poses less of a social threat than it did in the past (if it ever did), but by changing its criminal law India is trying to endorse a new societal value concerning suicide. This represents how criminal law can be used to support certain values a society wants to uphold.

I propose that in setting up a system of criminal law, society's main aims seem to be to lay out moral guidelines that people should follow by prohibiting acts that are obviously immoral, such as murder. In addition, criminal law seems also to be aimed at upholding values that society wants to embody. As the India example shows, these values found in criminal law are aimed at helping to develop people morally so they will uphold these values. Is it fair to say, then, in summary, that criminal law (a) prohibits citizens from carrying out immoral actions destructive to society and (b) encourages citizens to develop themselves in accordance with a set of socially desirable values.

In moving forward, these two aims of criminal law will be vitally important in the overall development of a criminal law system. Namely, these aims represent the important role the law plays in developing moral characteristics in citizens and teaching socially important self-control, both of which must be deeply intertwined with how we ensure maintenance of criminal law. That is to say in further developing a theory for upholding criminal law we need to include these same aspects. However, even with

these aims in mind for criminal law, this still may raise the question of why we should have these goals. Would we be better off if there were no criminal law?

Why should we maintain criminal law?

With all of the issues that are currently facing the criminal justice system, as outlined in the introduction, it is interesting to ask why have criminal law at all? Would we be better off if we simply had no criminal law, if we relied on people's ability to be moral beings? Philosophers like Hobbes, who have argued that a state of nature will be brutish and cruel (Lloyd, 2019), and that all people will do is fight each other, are a little too extreme. Rather, we have more of a reason to think like Locke, in the idea that people would be mostly peaceful in the state of nature (Tuckness, 2020). This, then, may entice people to believe that in general if people would be peaceful there is no real reason for criminal law.

However, even with the intuition that the state of nature will be more Lockean than Hobbesian, this is still a suboptimal state, even Locke grants this. Without the implementation of certain criminal laws, a society would not reach its full potential. Criminal laws help to better protect and increase the welfare of people in that society. There would still be too many people who would potentially harm others. I will not argue that the main goal of society should be to protect and increase the welfare of people in that society. However, even if you don't agree that the main goal of society is to protect and increase the welfare of people in that society, it is beneficial to individuals in the society if protecting and increasing the welfare of people is at least in part a goal of society. Criminal law, then, in some sense helps save us from a state of

nature and gives the opportunity to set up a framework for society that aims to protect and increase general welfare. At the very least, it seems that we have criminal law to better ensure the order in society and to protect and increase people's welfare.

A critic may ask why we should care about the maintenance of criminal law if in both societies with criminal law and without criminal law people will still most likely be harmed by others. Put another way, if people in societies that do have criminal law are going to break the law anyway, there does not seem to be much value to criminal law, since both with and without criminal law, people are still being harmed all the same. In response to this, I would argue that because of the function of the criminal law, these laws can help to shape people's decisions, and therefore lead them to make the right decision on their own. I would argue that societies with criminal law will theoretically do a better job at protecting and increasing people's welfare than a society that is simply in the state of nature.

I think one way to exemplify this argument is the example of a person deciding to run a traffic light. Imagine it's 12 am and you are stopped at a traffic light, not located at an intersection, while no one else is around. You know a police officer will not see you run the traffic light. It will not be dangerous to you or anyone else because there is no intersection where a car could unexpectedly cause a collision. However, I will argue that a large number of people have the inclination not to run the traffic light. This is because it is against the law and even if we will not be punished, we have the inclination that we should not break the law. Therefore, it seems that part of the reason that it is helpful for us to maintain criminal law is because it has, even apart from the punishments attached

to it, a deterrent function that stops people from doing actions that as a society we have deemed as immoral or harmful. In this way criminal law shapes people's decisions simply by holding weight in the fact that it is the law—and in general people believe that they should follow the law.

Although the deterrent function of criminal law is important in stopping people from committing certain actions, on a deeper level, interacting with criminal law has the capacity to influence the way people think and the values they hold. As mentioned before criminal law can be used to support the values a society holds. Therefore, the interaction one has with criminal law can help a person to establish general values that they should hold. By creating criminal laws that establish certain values, society creates an environment where these values are expected to be upheld, which helps to develop citizens morally.

How do we maintain criminal law?

If the main purposes of criminal law is to lay out moral guidelines that people should follow by prohibiting acts that are obviously immoral and upholding values that society wants to embody, it seems that in order to have a society where people are generally acting morally and upholding the values of society we must have some way of ensuring that people will not break the law. To put this another way, if we want to maintain a society where people are not committing acts that society deems to be deeply immoral or violating the values that society upholds, it is important that we make sure people don't violate criminal law.

One important way this is accomplished is through punishment. When a person breaks the laws, we punish them for violating the rules that society has set up in order to protect and benefit citizens. However, as important as punishment may be in trying to stop people from breaking the law, this is not the only tool that society can use to stop criminal law violations and maintain a moral society. Further, if a society only uses punishment, it will not be able to most efficiently achieve the goal of stopping people from breaking the law, or, more seriously, of maintaining a moral society and developing the moral character of citizens. In the section that follows I will explore the benefits of punishment, how we justify punishing people who break the law, and the drawbacks of punishment. Although I will mostly talk about punishment in this paper, I will briefly touch on alternatives to punishment later.

Punishment

If we assume, as established earlier in this paper, that the function of the law has two broad purposes, namely a deterrent function and the development of people's morals and values, from this we can derive (at least at a basic level) the proper role of punishment. In one sense, punishment should function to deter individuals from breaking laws. Further, to satisfy the other role of law as developing people's values, punishment should aim to morally educate offenders. I will argue that the function of punishment as a moral educational tool trumps the function of punishment as a deterrent.

There are many other theories justifying punishment and positing its benefits in various ways that lay out other aspects of using punishment in a criminal justice system.

Some of these other theories include retribution and rehabilitation. Both of these, however, I think fit within the scope of punishment's second goal, which aims at moral education. Accordingly, retribution and rehabilitation should not be the foundation of a theory of punishment on their own. With the aims of the law in mind, I will argue that there will not be a single theory of punishment that justifies and exemplifies the benefits of using punishment in a criminal justice system. Rather, the correct theory of punishment will be one that takes from other basic theories and is mainly rooted in education but fits other aspects of theories of punishment into its schema.

Deterrence

Deterrence is the broad idea that by having punishment uphold criminal laws people will be less likely to break these laws in order to avoid punishment. For instance, if a person is deciding to rob a bank, knowing that they will be punished if they are caught may deter this person from deciding to rob the bank. This is the same deterrent function the law has. Namely, as stated earlier, one reason for criminal law is to stop people from committing actions that we deem to be morally egregious. In summary the law itself plays a deterrent function and punishment is then employed as another level of deterrence to further ensure that these laws are not broken.

The law on its own has a deterrent function, simply because it is the law. Therefore, it holds weight merely as the law, which gives people reasons to follow it, namely because we deem it to outline morally obligatory actions. Therefore, the use of punishment simply adds to this deterrence. This hierarchy of deterrence can be paralleled with the development of children's moral compass. Take, for example, the

idea of littering. When we are very little we don't litter because we don't want to be punished; we don't yet have the concept of why morally we shouldn't litter. This shows the use of deterrence through punishment. As we get older, we don't litter because we've been told that littering is breaking a law, that we shouldn't break the law, even if we don't understand that the law is what it is because the action it prohibits is wrong. This is the idea of the law functioning as a deterrent simply because it is the law. Finally, as we continue to age, our moral conscience develops, and we shift from not littering because we recognize that it is against the law to not littering because it is wrong. This example shows how the law itself provides a different type of deterrent than does punishment alone. Namely, punishment as a deterrent is more about self-interest and the fear of being penalized, whereas the law functioning as a deterrent is vital step in internalizing the idea that we should follow the law because it is moral.

This, however, brings up an interesting question for the use of deterrence: If deterrence is effective at stopping at least some individuals from breaking the law, why not make the punishment for breaking laws more serious to increase the likelihood that people will not break these laws? For instance, in Colorado the punishment for running a red light is a fine ranging from 75 to 100 dollars. However, imagine Colorado made the punishment for running a red light 1 month in jail. Most likely people would be much more careful that they did not run red lights while driving, and therefore a proponent for this change could argue that this would be beneficial in decreasing the number of people running red lights.

However, there is an important constraint that should be placed on deterrence as a function of punishment, namely that the punishment should fit the crime. This is to say we should not employ punishments that are overly harsh for the crime to which they correspond. There are, at the very least, practical reasons that this constraint should be placed on deterrence. For instance, in the case of running a red light, if Colorado began throwing people in jail every time a person ran a red light, the population of jails in Colorado would greatly increase and this would have negative economic consequences. More importantly, however, are the ethical reasons this restraint is necessary for any deterrent aspect of punishment. Returning to the red-light example it does not seem fair to inflict this punishment for something as minor as running a red light. Deterrence, therefore, has the ability to lead to disproportionate punishment in relation to the severity of the crime committed if no constraint is placed on it. Therefore, this deterrence constraint is aimed at ensuring this aspect of punishment is just. The severity of the crime should fit with the degree of punishment to ensure that we are punishing people in a just way.

Although deterrence plays an important role in upholding criminal law, I will argue that it should not be at the center of a theory of punishment. Put another way, society should not simply use deterrence for deterrence's sake. Even if this gets the desired outcome of fewer people breaking the law, deterrence is not able to truly build a person's moral character. Deterrence simply trains people to do the right thing but does not instill moral value in their actions. The next section will add on a vital part of

justifying and explaining the role of punishment in a criminal justice system to ensure that people are being developed morally.

Moral Education

Noted earlier in the paper, one of the more important functions of the law is to help citizens cultivate moral values. Therefore, it is important that punishment has a moral education aspect to it. Furthermore, when shaping systems of punishment, we need to keep in mind the goal of education. First and foremost, I will argue that in order to truly educate offenders of the law we should ensure that punishment is productive for the person being punished. Productivity in one sense should be aimed at centering punishment around the offender's needs. This has both instrumental benefits for society and intrinsic benefits for the offender. First, it will help overall societal well-being, and second, it will respect the offender's dignity and make it more likely that the offender will develop morally.

Firstly, punishment that is productive will best ensure that criminals will not re-offend, and therefore this serves as an instrumental benefit to society, namely, that it is in the best interest of societal well-being. We want criminals to realize their mistakes in breaking the law or give them resources, so they don't feel as if they need to break the law again. If we are able to develop criminals' morals, it will help to reduce overall crime and better protect the well-being of all people. In order to make punishment productive, it is important that we center the punishment we give offenders around their needs. Specifically, if we want to develop criminals' morals in a way that will result in them being less likely to break the law in the future, we should focus on how we can

give criminals the resources they need to not reoffend. This will include resources that help them to build their moral compass, it may also include resources that help to alleviate barriers in their lives that cause them to be tempted to break the law. Depending on the criminal and the specific situation, this idea of productivity could be very different, I will touch on this idea later.

Take, for example, two people who are both caught robbing a grocery store. The first person robbed the store because their family is incredibly poor and needed food. The second person is the teenager of a wealthy family, who robbed the store because he was bored. If we want to develop the morals of these people and ensure that they will not break the law again, the punishment should look very different in order to meet their needs and make the punishment productive. The first person may understand that robbing the grocery store was wrong, namely, because it violates the right of property of the store owner, but feel as if they had no choice. In this case, productive punishment should be intended to help the person improve their circumstances, such as giving them the resources to find a job or educating them on options society provides to better live within their circumstances, e.g., utilizing food banks. In the case of the teenager, punishment will look very different since, unlike the first person, it seems like they did not rob the store because of outside circumstances, but rather a lack of understanding, or disregard for what is right and wrong. In this case, productive punishment should be aimed at teaching the teenager that what they did was morally wrong, and that they should avoid doing what is morally wrong. What this teaching specifically looks like, however, many vary greatly.

An objection that may be raised against this idea is that in the case of the person that is robbing the store due to necessity, it does not seem like we are truly punishing him for robbing the store. Some people may feel that simply helping the first person to get a job or utilize society's resources is not enough, and in a way rewards them for breaking the law rather than punishing them. This is an acceptable concern. However, as I will explain later in the paper, offering resources to this offender is not the only way punishment should be given to him. In cases such as these, it is still important that there is some penalty for breaking the law and holding the offender responsible for their actions. However, if one of our goals is to stop people from committing crimes, as it is in my view, in addition to giving some type of penalty we should focus on why the criminal broke the law and how we can productively help the criminal to not continue breaking the law.

Overall, punishment is productive when we focus the punishment on the needs of the offender. Further, depending on each offender's circumstances, productive punishment can look very different. By doing this we are able to best ensure that criminals will not break the law again. This is good for overall societal welfare because it reduces the likelihood that criminals will become repeat offenders; thus society is safer.

In addition to its instrumental benefit to society, making punishment productive for the person being punished is also intrinsically beneficial for the individual being punished. If we are concerned about morally educating people, it is important to be cognizant of how we treat criminals when we punish them. When people commit crimes, we should be able to separate the act they committed from the fact that they

still hold the status of a moral being. Put another way, even if someone commits a heinous crime, it does not give us the right to treat them as if they are morally worthless. Although the punishment we inflict on them should hold them accountable for their actions, we should ensure that we treat them as moral agents. In this sense, the punishment being productive for the offender should at the very least respect their status as moral beings. This is deeply important if we want to build criminals' moral character. Failing to respect them as moral beings would be counterproductive, since part of what we want them to learn is precisely the importance of treating all with respect and dignity.

A natural next question is what, specifically, will productive punishment look like? As mentioned earlier productive punishment should be centered around the need of the person being punished and therefore may vary widely between criminals, depending on the crime and the criminals' needs. However, if our main goal in punishing a criminal is to improve their moral values, productive punishment will in some sense have to accomplish moral reformation. I will argue that there are aspects that punishment should meet in all cases in order to achieve the goal of moral education. This is where I will argue aspects of other punishment theories come into play.

Firstly, from a retributivist standpoint, punishment should ensure that those who break the law are receiving what they deserve. When a person breaks the law, part of the reason we punish them is because we want them to realize what they did is wrong and for them to take responsibility for their actions. Punishment in the retributive sense accomplishes this by giving offenders the experience of getting what they deserve by

punishing them for the consequences of their actions. More specifically, the concept of retributivism should fit within the scope of moral education in so far as part of morally educating an offender involves the offender recognizing and taking responsibility for their actions, which is, in part, done by having the experience of getting what they deserve and being punished. This may sometimes seem at odds with the deterrent function of punishment; however, in cases where these two are at odds, we should prefer the function of punishment as morally educational over deterrent.

To highlight this idea, take the prior example of the teenager robbing the grocery store out of boredom. In order for the teenager to develop morally, they must initially learn that their action of robbing the grocery store was wrong. In this vein, the retributivist will argue that by giving the teenager what they deserve and punishing them for their actions, this will help them to take responsibility for their actions and internalize that what they have done is wrong. We should not allow the teenager to go unpunished because when we do this, we do not give him what he deserves and we don't hold him responsible for his actions. In the case of the teenager, when we punish them we make them take responsibility for the consequences of their actions and we help to develop them morally. Furthermore, even in the case of the person robbing the store for his poor family, it is important that we still give this person what they deserve. As mentioned above it is not enough to simply help them improve their circumstances. It is important that we still give them some penalty for breaking the law. This is important first, in order to continue to instill the correct morals in the offender and treat them as a moral being. Specifically, by giving them what they deserve we recognize

them as a moral being that is able to make decisions on their own. Secondly, this is important for the message that it sends to society. If we do not place a penalty on the offender stealing out of necessity, we create the precedent that this is okay. This exemplifies how the law and punishment can change the moral attitudes upheld in a society. Therefore, it is important that in addition to improving the person's circumstances that we also give them what they deserve.

However, that brings up another important aspect of retributivism that can be applied to the goal of moral education. Namely, we need to determine what it is that people deserve when they break the law. Furthermore, when we determine what a person deserves, it is important that we treat like cases alike. Intuitively one might argue that we do this in current day society: if I steal a pack of gum from a gas station and you steal a pack of gum from a gas station, we will theoretically get the same punishment because we broke the same law. However, imagine these additional circumstances: I steal the gum because I'm about to go on a date and I am worried about my bad breath whereas you steal the gum because a man is holding your family hostage and tells you he will only let them go if you steal the gum. Considering these background circumstances, it no longer seems fair that we get the same punishment; although we broke the same law, the cases under which both of us did so are not alike. Therefore, the punishments given to you and I should be different and correspond to what we deserve, based on of the circumstances of each offense.

One may argue that the application of retributivism to the end of moral education is more akin to rehabilitation as the purpose of punishment, not retribution

per se. Rehabilitation is, roughly, the idea that punishment should be used to reform criminals and help them re-enter into society. Rehabilitation aims to accomplish similar outcomes as the moral education theory of this paper. However, it does bring up another important aspect in educational punishment, which is the idea of autonomy. Applying retributive aspects to a theory of moral education allows us to maintain a person's autonomy. In contrast, a common argument brought against rehabilitation is that it does not give a person the autonomy to change; rather, it artificially tries to change them in order to reintegrate them back into society. That's why bringing rehabilitation within the scope of a more broadly educational approach to punishment is essential. We should be concerned about respecting the criminal's autonomy for the same reason we should not want to base our theory of punishment solely on deterrence. First, not only is having autonomy important in being a moral agent, but when we inhibit a criminal's autonomy, we no longer allow them to develop morally; rather, we simply force them into morality. Therefore, by using a retributivist model we are able to better develop a person morally, while still gaining the benefits of reforming and reintegrating a criminal into society. In summary then, it is fair to say that when we punish a person for breaking the law we should ensure that this punishment is productive for the individual being punished. Specifically, at the very least we should (a) center punishment around the offenders needs, (b) treat the offender as a moral agent and (c) give the offender what they deserve in accordance with the circumstances of the offense.

One large assumption in this paper is the idea that the content of the law is morally correct to begin with. However, what do we do when the law is not guiding our moral actions correctly because it is immoral in itself? This would create a tension between the final two steps of moral education: (a) doing something because it's the law and (b) doing something because it's the right thing to do.

This tension is incredibly apparent in our current day society, as the examples in the introduction showed. Another instance of this is disenfranchisement laws. In eleven states in America, if you have been convicted of a felony you are no longer able to vote, even upon completing your sentence. This is unjust. If the purpose of the law is to educate and build moral values, after convicted criminals have completed their punishment, they should be considered as having grown their moral values and paid their debt back to society; therefore, they should be fully reintegrated as a citizen. However, disenfranchisement laws allow the continual violation of former convict's rights by taking away their ability to vote. Laws such as these are only one instance where the United States criminal justice system has immorality built into it. Further than this, the United States criminal justice system stands in stark contrast to the theory of punishment laid out in this paper. In 2018, it was reported that 83% of state prisoners were arrested again after their release (Alper, 2018). This highlights the current system's inability to morally educate offenders and stop them from repeat offending.

This raises the question of how to mold a society to fit a theory of punishment, when that society seems to be in such stark contrast to the theory. One large criticism of this paper may be that it is too idealistic and has little in common with what actually

occurs in the real world. In response to this, I would first argue that it is important to develop an ideal theory of what the real world should look like in order to have a standard for which we can evaluate present-day society. Comparing the theory laid out in this paper to what is happening in present-day society allows us to see that our criminal justice system is incredibly flawed. Second, I would argue that there are steps that the United States could take in order to align the criminal justice system more with this theory on law and punishment. For instance, one of the prime manifestations of punishment in the United States is incarceration. However, as seen in the early statistic of likelihood of a criminal being a repeat offender, this is not an effective way to instill the values that punishment should. In order to achieve the goals of punishment laid out in this paper, other methods of punishment should be utilized, such as community service programs, restorative justice, or reformation programs. These alternatives align much more closely with the goals laid out in this paper and therefore are more likely to help educate and build offenders' moral values. In addition, these alternatives better value the offender as a moral being, which should be a vital part of any good system of punishment.

Conclusion

One of the many stories Ava DuVernay tells in her film *13th* is of Kalief Browder. Kalief Browder was 16 years old coming home from a party one night when he was picked up by police for alleged robbery of a backpack. Kalief insisted that he did not commit the robbery, but because of his past record he was arrested. Kalief proceeded to spend three years at Rikers prison while he awaited trial. While at Rikers Kalief was

ruthlessly beaten by guards and spent around two years in solitary confinement. After three years, Kalief was finally released and his name cleared. However, due to the trauma of three years of imprisonment, Kalief committed suicide two years after being released.

Kalief Browder exemplifies one way that our current criminal justice system is broken. Not only was Kalief wrongly accused for a crime he didn't commit; he paid three years in prison for it. Further, in prison he faced horrendous conditions that ultimately led him to commit suicide. Nowhere in his interaction with the criminal justice system was he treated as a moral being, and further his interaction benefited neither him nor society. Cases like these are the prime reason we need to re-evaluate criminal justice systems, their purpose, and how we can uphold them in a moral and just way. Above all, I would argue that we need to take a hard look at the impact that these systems have on people, both offenders of the law and society as a whole. Without taking into account these impacts we create a system that allows the types of rights violations that Kalief faced.

Developing a criminal justice system that revolves around morally educating offenders is best for both the offender and the society as a whole. First and foremost, it ensures that we respect the status of the offender as a moral being, which is vitally important if we want to create a just criminal justice system. It also best allows us to ensure that the values of a society are upheld because it helps to instill these values in citizens. More than this, because the nature of punishment is one that has unparalleled opportunity for abuse of power, centering punishment around the development of an

offender's morals and requiring the system to treat them as moral beings reduces the likelihood of this abuse. All in all, it is important that we evaluate criminal justice systems and specify their purposes, justifications, and the restraints that should be placed on them. This paper has aimed to outline some of those aspects and to develop an image of criminal justice that we can use to evaluate current real-world systems.