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REVIEW ARTICLE

PENAL PHILOSOPHY IN PRACTICE: A QUANTITATIVE AND QUALITATIVE ANALYSIS OF PUBLIC VALUES IN THE JUSTICE SYSTEM

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ABSTRACT

The debate between punishment and rehabilitation as the primary goal of the criminal justice system represents a fundamental tension in societal values. This study investigates which philosophy—retributive punishment or rehabilitative correction—the public primarily endorses and explores the factors that shape these preferences. A mixed-methods approach was employed, comprising a quantitative public opinion survey (N=500) and qualitative, semi-structured interviews (N=20) with a diverse sample of citizens. Quantitative findings revealed a complex and seemingly contradictory value set: a strong abstract belief in rehabilitation (72% agreed it should be the primary goal) coexisted with strong support for punitive measures like harsher sentences (65%) for violent offenses. Qualitative analysis resolved this paradox, identifying a key moderating variable: the perceived nature of the offense and the offender. Interviewees consistently expressed a preference for rehabilitative approaches for non-violent, first-time, and mentally ill offenders, while demanding punitive responses for violent, sexual, and repeat offenders. The study concludes that society does not value punishment or rehabilitation in absolute terms, but rather values a context-dependent system that prioritizes rehabilitation where possible and punishment where deemed necessary for public safety and moral desert. This suggests that "what works" is less important to the public than "what is deserved" in a given context.

KEYWORDS

punishment, rehabilitation, retribution, criminal justice, public opinion, penal philosophy, mixed-methods, deterrence

1. INTRODUCTION

The central purpose of the criminal justice system has long been a subject of intense philosophical and political debate. This debate is fundamentally a contest over societal values, pivoting between two core objectives: punishment (retribution, incapacitation, deterrence) and rehabilitation (reformation, reintegration) (Cullen and Jonson, 2017). The "what" of justice—length of sentence, conditions of confinement—is dictated by the "why" of justice—what society hopes to achieve.

The punitive model, rooted in retributive theory, posits that justice is achieved when offenders are punished proportionally to the harm they have caused, embodying the value of just deserts (von Hirsch, 2017). In contrast, the rehabilitative model is utilitarian and forward-looking, valuing the transformation of an offender into a law-abiding citizen, thereby reducing future crime and strengthening social bonds (Latessa et al., 2020).

Public opinion plays a crucial role in shaping penal policy, as policymakers are often responsive to perceived public demands (Roberts and Hough, 2005). However, gauging true public values is complex. Polls often find support for harsh sentencing, yet also reveal strong support for rehabilitation programs when presented as options (Enns, 2016). This suggests that public attitudes may be more nuanced than binary.

This study seeks to untangle this complexity by asking: What does society truly value in its justice system? Is it punishment, rehabilitation, or a contingent combination of both? The research questions are:

- To what extent does the public endorse punitive versus rehabilitative justice goals in abstract and scenario-based questions?
- What factors (e.g., type of crime, offender characteristics) most significantly influence public preference for punishment or rehabilitation?
- How do individuals rationalize and reconcile their support for seemingly contradictory penal goals?

By employing a mixed-methods design, this paper aims to move beyond superficial poll numbers and uncover the nuanced value structure that underpins public opinion on crime and justice.

2. METHODOLOGY

2.1 Research Design

A sequential explanatory mixed-methods design was used. The first phase involved a quantitative survey to measure the prevalence of punitive and rehabilitative attitudes across a large sample. The second, qualitative phase involved in-depth interviews to explain, contextualize, and elaborate on the quantitative findings.

2.2 Participants and Sampling

- **Quantitative Sample:** 500 participants were recruited through a nationally representative online panel. Quota sampling ensured

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- diversity in age, gender, geographic region, and political affiliation. The mean age was 47.2 years (SD = 16.8); 52% female, 48% male.
- Qualitative Sub-sample:** 20 participants were purposively selected from the survey respondents to maximize variation in scores on the punitive/rehabilitative scale and demographic backgrounds.

2.3 Data Collection

- Quantitative Instrument:** An online survey measured:
 - Abstract Goals:** Participants rated the importance of four penal goals (retribution, deterrence, incapacitation, rehabilitation) on a 5-point Likert scale.
 - Scenario-Based Preferences:** Participants read three vignettes (non-violent property crime, drug offense, violent assault) and recommended a sentence (e.g., prison, probation, rehab program).
 - Support for Policies:** Participants indicated their level of support for various policies (e.g., "Three-strikes" laws, expanding prison education programs) on a 5-point scale.
- Qualitative Instrument:** Semi-structured interviews (avg. 45 minutes) explored participants' reasoning behind their survey responses, their personal definitions of justice, and their experiences with the justice system.

2.4 Data Analysis

- Quantitative Analysis:** Data was analyzed using SPSS v.28. Descriptive statistics (frequencies, means) were calculated for all items. T-tests and ANOVA were used to compare groups. Cross-tabulations analyzed scenario-based choices.
- Qualitative Analysis:** Interviews were transcribed and analyzed using thematic analysis (Braun & Clarke, 2006). Codes were developed inductively and grouped into themes that explained the quantitative patterns.

3. RESULTS

3.1 Quantitative Findings

Survey results revealed a significant "values paradox." As shown in Table 1, when asked about the primary goal of the justice system in the abstract, rehabilitation was the most selected option.

Penal Goal	% Ranking as "Most Important"	Mean Support (1-5 Scale)
Rehabilitation	38%	4.1
Incapacitation (Public Safety)	29%	4.0
Retribution (Punishment)	21%	3.6
Deterrence	12%	3.5

However, this support for rehabilitation coexisted with strong punitive tendencies. 65% of respondents agreed or strongly agreed with the statement "Sentences for violent crimes are too lenient." Furthermore, support was highly dependent on the scenario (Figure 1). For a non-violent drug offense, 78% preferred a rehabilitative disposition (drug court, treatment). For a violent assault, this flipped, with 72% preferring a punitive prison sentence.

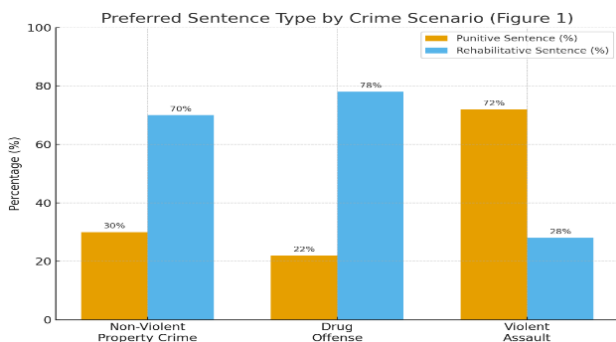


Figure 1: Preferred Sentence Type by Crime Scenario

A regression analysis revealed that the strongest predictor of punitive attitudes was fear of crime ($\beta = .32, p < .01$), while the strongest predictor of rehabilitative attitudes was a belief in the potential for personal change ($\beta = .41, p < .001$).

3.2 Qualitative Findings

The interviews provided a framework to resolve the quantitative paradox. Analysis identified three key themes:

- The Principle of Contextual Justice:** Participants did not hold a single penal philosophy. Instead, they applied a nuanced calculus. As one interviewee stated, "You can't treat the guy who stole a TV the same as a rapist. One needs help getting back on track, the other needs to be locked away." The type of crime was the primary filter.
- The "Deservingness" Heuristic:** Rehabilitation was seen as a "privilege" to be earned and deserved. Offenders perceived as "less blameworthy" (e.g., those with addiction or mental illness) or who showed remorse were deemed worthy of rehabilitation. Those who committed heinous acts or showed no remorse were deemed deserving only of punishment. "It's about whether they're a monster or just a person who made a terrible mistake," explained another participant.
- Punishment as a Prerequisite for Rehabilitation:** For many, punishment (often in the form of lost liberty) was not the opposite of rehabilitation but a necessary first step. "They need to understand the consequences of their actions first. Then we can talk about programs and therapy," said one respondent. This view frames incarceration as a moral awakening that enables later reform.

Table 2 summarizes how offender and offense characteristics shaped public sentiment.

Factor	Favors Rehabilitative Response	Favors Punitive Response
Type of Crime	Non-violent, property, drug crimes	Violent, sexual, crimes against children
Offender History	First-time offender	Repeat offender ("career criminal")
Mental State	Linked to addiction, mental illness	Calculated, premeditated, remorseless
Victim Impact	Low economic/harm impact	Severe, lasting trauma to victim

4. DISCUSSION

This study demonstrates that the question of whether society values punishment or rehabilitation is based on a false dichotomy. The data reveals that the public values a hybrid and contingent model of justice. The overarching value is not a single penal goal but rather proportionality and moral desert—ensuring the response fits the crime and the culpability of the offender (von Hirsch, 2017).

The quantitative "values paradox"—support for both rehabilitation and harsher sentences—is resolved by the qualitative findings. The public is largely pragmatic and contextual in its approach. Rehabilitation is highly valued as a cost-effective and humane solution for a specific subset of offenders (non-violent, malleable), reflecting a utilitarian value of "what works" to reduce recidivism (Latessa et al., 2020). Conversely, punishment is valued for another subset (violent, remorseless), reflecting a deontological value of "what is right"—delivering just deserts and expressing moral condemnation (Cullen and Jonson, 2017).

This contextual approach aligns with the concept of "smart on crime" policies rather than simply "tough" or "soft" ones. The public appears to support a system that can differentiate between a high-school student selling marijuana and a violent repeat offender. This suggests that the popular "tough on crime" narrative may succeed by focusing public attention on the types of crimes (violent) and offenders (repeat) for which punitive responses are already the public's preferred choice (Enns, 2016).

Implications for Policy and Practice: The findings suggest that policymakers have more latitude to pursue evidence-based rehabilitative programs than is often assumed, provided these efforts are framed and targeted appropriately. Public messaging should emphasize that rehabilitation is for "deserving" offenders and that it enhances public safety by reducing future victimization. A one-size-fits-all approach,

whether purely punitive or purely rehabilitative, is out of step with public values.

Limitations and Future Research: The use of vignettes, while useful, cannot capture the full complexity of real cases. Future research should employ deliberative polls, where participants are given detailed information and time to deliberate, to see if these nuanced attitudes are further solidified or changed.

5. CONCLUSION

Society's value in justice is not a simple choice between punishment and rehabilitation. Rather, it is a sophisticated and context-dependent desire for a system that is both morally righteous and pragmatically effective. The public values punishment as an expression of communal condemnation and a necessary tool for the most serious offenses. Simultaneously, it values rehabilitation as a prudent and compassionate strategy for offenders deemed capable of change. The true value that emerges is a demand for a discriminating and intelligent system that has the capacity to be both tough and smart, applying the right tool for the right

circumstance to achieve a justice that is perceived as both fair and effective.

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