Society is linked to punishment, and punishment is linked to society. Society shapes how punishment is given to criminals. Because society changes over time, the nature of punishment changes over time as well.

Durkheim (1858-1917) and Solidarity

Durkheim felt that crime and punishment were linked. Crime is normal, as every country experiences crime, and it can be a necessity as well. If there were no crime, then picking your nose would become a crime; the threshold changes but the amount of crime stays the same, so crime is inevitable. It can even make society bond over things like policing. It also bonds people due to a shared belief over what is right and what is wrong.

There are two main types of solidarity here:
- Mechanical solidarity – integration of people into a society because they have common values and beliefs, which adds to the collective conscience of the group. This tends to be associated with ancient civilisations.
- Organic solidarity – in advanced societies, everyone relies on each other. For example, someone who does not know how to wallpaper a wall will hire someone else to do it, etc. Thus, social cohesion develops due to everyone relying on each other and their specialised knowledge. This tends to be associated with modern society.

When crime occurs, it hurts the collective conscience of society. Thus, society reacts emotionally to crime, often irrationally. Today, crimes such as rape, murder, terrorism, racism, child abuse, etc. causes an emotional reaction.

Durkheim and Punishment

Punishment comes from this public outrage from crime. It is an emotional response. Punishment is used as a form of communication by telling the individual and society that what this person did was wrong. Thus, punishment tends to be ritualistic, and they are ceremonies that require an audience. Once punishment has been carried out, society feels better again and any fractures in society are repaired. It is a purely symbolic process.

Durkheim came up with two laws of punishment evolution. The first is that punishment becomes less intense over time, and the second is that liberty replaces capital punishment over time. This has been proven to be true, as punishment is less intense today, with a lack of support for capital punishment (generally speaking).

Criticisms of Durkheim

It is unclear how much punishment is considered to be good for society; is there such a thing as too much punishment?
Some people argue that punishment does not have a function within society. How could one measure whether punishment has become softer over time?