



# International Journal of Innovative Technologies in Social Science

e-ISSN: 2544-9435

Scholarly Publisher  
RS Global Sp. z O.O.  
ISNI: 0000 0004 8495 2390

Dolna 17, Warsaw,  
Poland 00-773  
+48 226 0 227 03  
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## ARTICLE TITLE

SOCIAL NORMS AND PUNISHMENT: A SOCIOLOGICAL  
APPROACH

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## ARTICLE INFO

Keltoum Berani. (2025) Social Norms and Punishment: A Sociological Approach.  
*International Journal of Innovative Technologies in Social Science*. 1(45). doi:  
10.31435/ijitss.1(45).2025.3390

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## DOI

[https://doi.org/10.31435/ijitss.1\(45\).2025.3390](https://doi.org/10.31435/ijitss.1(45).2025.3390)

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## RECEIVED

02 January 2025

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## ACCEPTED

01 March 2025

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## PUBLISHED

30 March 2025

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# SOCIAL NORMS AND PUNISHMENT: A SOCIOLOGICAL APPROACH

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## ABSTRACT

All societies require rules that guide the behaviour of individuals as members of the collective. Some rules are social norms (customs), while others are codified as formal laws (legal standards). Violating such rules is considered deviant behaviour. It elicits a social or legal reaction legitimised by customary belief or legal text, ranging from simple social condemnation to judicial punishment. What, then, is the relationship between social norms and legal sanctions? Suppose the law is regarded as a social value and a normative reference. How can this interrelation be explained through a sociological approach that considers both normative systems and legal rules as social phenomena created by the group in response to organisational needs and the preservation of social structure and cohesion?

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## KEYWORDS

Norms, Punishment, Rules, Law, Deviant Behaviour, Crime

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## CITATION

Keltoum Berani. (2025) Social Norms and Punishment: A Sociological Approach. *International Journal of Innovative Technologies in Social Science*. 1(45). doi: 10.31435/ijitss.1(45).2025.3390

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## Introduction.

No architectural structure can be realised unless constructed upon physical foundations, known as "pillars" (*plieurs*), supporting and protecting the structure from collapse. The same applies to the social structure: its existence is incomplete unless it is built upon pillars not of stone, as in architectural columns, but performing the same stabilisation function. These pillars are rules and social norms mutually recognised by group members to regulate their relationships. They are embedded within value-based, moral, and educational frameworks with organisational and political dimensions that confer a sense of sanctity and legitimacy.

They constitute the standard by which the value system is defined. This system, in turn, determines what behaviour is deemed acceptable and what is not among group members. "They are rules or behavioural prescriptions that guide the conduct of individuals in a given society. They may take the form of (laws and regulations) or (customs and practices), exerting social pressure to ensure social cohesion..."<sup>1</sup> Moreover, managing interactions by establishing what is acceptable or unacceptable, natural or deviant, is essential.<sup>2</sup>

**When we speak of a set of commonly recognised rules**, we refer to the implicit agreement made among individuals, which has taken various forms and evolved across time and space. Social, political, and judicial institutions have been and continue to be established to protect this agreement. Through social

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<sup>1</sup> Raymond Boudon and François Bourricaud, *The Sociology: A Critical Dictionary*, Paris: PUF, 1982 (reprint, Quadrige series), entry: "Social Norm," pp. 252–253. "Social norms are rules or prescriptions of conduct that guide individuals' behaviour in a given society. They may be explicit (laws, regulations) or implicit (customs, usages), and their function is to guarantee social cohesion by regulating interactions. They exert social pressure by defining what is considered acceptable or unacceptable, normal or deviant."

<sup>2</sup> Émile Durkheim, *The Rules of Sociological Method*, 1895, chapter 1.

"A social rule is any way of acting, fixed or not, capable of exerting external constraint upon the individual."

intervention, these institutions respond directly to any violation of this consensus, namely, any deviation from the agreed-upon rules. Such intervention involves punishing to restore discipline and uphold justice.

### I. The Relationship Between Normativity and Punishment

#### Normativity:

"Normativity" refers to transforming these rules into sovereign constants that serve as the fundamental pillars safeguarding the social structure. This normativity is embodied by law, which regulates social behaviour and grants society a sense of cohesion. As noted, "society cannot exist unless there is a certain degree of cohesion among its members, which can only be achieved through the contribution of norms by defining shared behaviours."<sup>1</sup> This is also affirmed by "Goffman" in his 1959 work *The Presentation of Everyday Life*, in which he explains how norms govern social routines through the positions and roles individuals occupy within society.<sup>2</sup> Thus, normativity constitutes the social reference point for integrating individuals as members within the social structure and facilitates their relations within an identity-based framework that embodies the content of these norms. These norms may be social customs, moral principles, or legal standards. Through their interplay, they work to preserve public order, for example, by ensuring respect for property, prohibiting harm to others' physical integrity, preventing fraud, encouraging social solidarity, and maintaining standards of propriety in public spaces (e.g., do not assault others, do not harass others).

These rules, which attain the level of normativity, contribute to preserving social hierarchy and managing conflict. Once they are transformed into cultural elements and codified by legislative authority, they legitimise punishment just as they legitimise the categorisation of violating these rules as deviant behaviour.

Adopting this normative reference establishes a collective agreement that obliges individuals to respect these standards and refrain from deviating from them. Any breach of these norms is regarded as deviant behaviour that necessitates a punitive response. As we have already seen, these norms become sovereign constants upon which penal and criminal policy is founded.

Hence, the first manifestation of the relationship between the normative system and punishment is revealed as follows:

**Table 1.** Correspondence Between Normative Rules, Deviant Acts, and Punitive Measures in Society

Normative Rule	Deviant Act	Punishment
Respect for others' property	Theft ( <i>crime</i> )	<b>Criminal:</b> Fine, imprisonment. <b>Social:</b> Marginalisation, condemnation, stigmatisation, and loss of trust
Respect for others' lives and prohibition of harm to physical integrity	Murder, premeditated murder, physical assault, violence against others	<b>Legal:</b> Imprisonment depends on the nature of the crime, ranging from long sentences to life imprisonment. <b>Social:</b> Social exclusion
Truthfulness in official institutions (e.g., justice system, administration)	Perjury, fraud	Imprisonment, fines, or deprivation of civil rights
Solidarity and respect for the social contract, such as tax compliance	Tax evasion	Tax adjustment, fines, or imprisonment
Observance of decorum in public spaces does not assault or harass others; it ensures mutual safety and respect.	Verbal or physical assault, harassment	<b>Criminal:</b> Imprisonment <b>Social:</b> Rejection, condemnation, and social ostracism

From a sociological perspective, normativity renders punishment a criminal mechanism that does not merely aim to punish the offender but serves a social purpose, namely:

- Reinforcing the normativity of social values.
- Restoring balance to the social order and repairing what the crime has disrupted.
- Protecting society from what threatens its social and political stability.
- Strengthen solidarity and social cohesion among members of the same society and prevent disintegration and deviance.

<sup>1</sup> Émile Durkheim, *The Rules of Sociological Method* (1895).

<sup>2</sup> Erving Goffman, *The Presentation of Everyday Life* (1959).

He shows how norms govern "social routines" and our roles in our daily interactions (e.g., politeness, respect, etc.).

The relationship between norms and punishment also varies according to the degree of adherence to the standards within the group: the more substantial the adherence, the harsher the sentence in regulating behaviour, and vice versa.

## 2. The Sociology of Punishment

Punishment is a social reaction to deviant behaviour that violates the social norms agreed upon within the group. It is founded upon a set of punitive provisions that vary according to the nature of the deviant act and are administered by the judicial system. Punishment is not limited to its judicial dimension; it also encompasses a social dimension, rich with cultural, symbolic, and political meanings that confer legitimacy upon it.

From a sociological perspective, punishment is considered a social phenomenon because it is a consistent social act that protects normative rules within society and maintains the cohesion of the social structure by penalising deviant behaviour. Punishment thus represents society's response to the violation of regulations governing order and social security; it is not an individual act of revenge or an emotional reaction. Instead, it is an organised social practice that reveals conflicts and power relations within society and reflects its dual role as a function of cohesion and a tool of symbolic social control. This explains the second manifestation of the relationship between norms and punishment.

Émile Durkheim, in his works *The Division of Labour in Society* (1893) and *The Rules of Sociological Method* (1895), assigns to punishment an expressive function. He argues that it reinforces collective consciousness by affirming that society rejects certain behaviours contradicting shared values and, second, through deterrence and reform. Punishment thus reflects the normative system of society. When this system experiences disorder or disruption, norms lose their capacity to regulate behaviour, leading to normlessness or *anomie*, resulting in increased deviance and crime. Punishment then becomes necessary to restore the ideology of the prevailing order by reaffirming dominant values and norms.

From a different perspective, **Michel Foucault** reinforces this notion by examining the evolution of punishment from the early forms of corporal punishment to imprisonment, emphasising the disciplinary nature of modern punishment, which is characterised by control over bodies and behaviours. Punishment, in this view, appears more as a tool for physical subjugation and surveillance than as a means of deterring crime or rehabilitating the offender. For Foucault, punishment is not merely an act of justice but a strategic instrument serving a broader social project.<sup>1</sup>

As for **David Garland**, in his work *The Culture of Control* (2001), he demonstrates that punishment has taken various forms depending on the political, economic, and cultural context. He stresses the symbolic dimension of punishment in modern societies and argues that, in contemporary contexts, punishment is no longer simply a reaction to crime. Instead, it has become a tool of political and material governance, used to address social instability and construct a moral order to preserve the appearance of security even at the cost of justice and the overcrowding of prisons.<sup>2</sup>

These perspectives prompt a re-examination of the conceptual formulations concerning the relationship between normativity and punishment, drawing attention to the overlap between normative rules and punitive action. This overlap arises from punishment being deeply connected to the cultural and value-based characteristics that distinguish a society and how its customs and norms shape its legal provisions.

From this, it can be concluded that the relationship between norms and punishment, whether social or judicial, lies not only in the role of punishment in protecting the normative system but also in its political purpose of defending the existing order. This occurs when both customary and judicial penal laws become norms serving the ideology of the ruling authority. In his book *On the State* (2012), **Pierre Bourdieu** shows that law, as a tool of power, can impose a legitimate vision of the social world, and such laws often reflect the interests of dominant groups.

If we consider **Howard Becker**'s assertion in *Outsiders* (1963) that deviance is a social construct, we find that it is social reactions, not the act itself, that define what is "normal" and what is "deviant." This further implies that norms are created by the dominant power within the group and are protected by punitive laws, which draw their sources from these prevailing social norms. There is no contradiction in this; instead, it is the formula upon which

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<sup>1</sup> Michel Foucault, *Discipline and Punish*, Paris: Gallimard, 1975, p. 236.

"In this new penal regime, it is no longer a matter of torturing the body, but of taking charge of the individual in their entirety—their behaviour, conduct, and humanity."

<sup>2</sup> David Garland, *The Culture of Control: Crime and Social Order in Contemporary Society*, Oxford: Oxford University Press, 2001.

human societies are fundamentally built, responding to the demand for order, which must ultimately be upheld by the myth of authority as a social necessity, as demonstrated by anthropological theories.<sup>1</sup>

## 2. The Link Between Punishment and the Characteristics and Culture of Society

Punishment is a social act and a part of the system of control rules employed by individuals to preserve their values and norms, as embedded in laws, customs, and traditions. It is one of the mechanisms through which individuals are compelled to adhere to these rules, highlighting the reflection of social values and norms in the practice of punishment. The nature and severity of punishments are shaped by the strength of the prevailing social values within a society.

In societies founded on principles of justice and humanity, punishments aim to rehabilitate deviant behaviour and reintegrate the offender rather than imposing retributive penalties. Conversely, societies focusing solely on deterrence and criminal retribution may enforce harsh and inhumane punishments. **Geert Hofstede** notes that "individualistic societies prioritise criminal justice, whereas collectivist societies prioritise the restoration of social harmony."<sup>2</sup> This is closely linked to the norms adopted by society, which, having been transformed into beliefs and cultural elements, exert a profound influence on how crime and justice are perceived. For example, in some collectivist societies, such as certain Asian countries, punishment aims to preserve social harmony and integration. In contrast, punishment focuses on individual responsibility and retribution in societies where the normative system is founded on individualism, such as the United States.<sup>3</sup> Punishment is thus an act intertwined with customs and social values; it is not neutral but complicit in power relations and cultural conflicts and reflects social inequalities. Researcher **Loïc Wacquant** has shown that working classes, ethnic minorities, and the marginalised are often disproportionately represented in prison systems, particularly in neoliberal societies. In this context, the prison becomes a tool for managing people with low incomes rather than a means of delivering justice.<sup>4</sup>

### 1. Punishment and the Standard of Justice

Punishment cannot be understood without referencing the standard of justice, as it expresses society's conception of justice. It aims to restore the moral or legal order defined by that standard. Every punishment presupposes violating a particular norm, be it a legal provision, an ethical rule, or a social custom. Moreover, punishment reaffirms the validity of this norm in the collective consciousness of the group and society. Thus, punishment is built upon a violated rule, and the standard of justice legitimises this punishment. Here lies the overlap between punishment and the concept of justice: punishment is not merely a means of accountability, but rather, "punishment proclaims the existence of law... punishment is the manifestation of moral truth in the sensory world..."<sup>5</sup>

For punishment to be just, it must correspond to a shared standard of justice, as these standards vary across cultures and historical periods. What is considered just in one society may not be seen as such in another, such as capital or corporal punishment. This highlights that standards of justice are not universal, as they often reflect the collective values of a particular society, as noted by **Geert Hofstede** in his work *Culture's Consequences* (2001).

The complicity between the standard of justice and punishment is further illustrated in the words of **Pierre Bourdieu**, who states: "What we call 'justice' is often the name we give to dominant interests."<sup>6</sup> He suggests that the standard of justice may become an ideological mechanism for imposing dominance, reinforcing that normative values are inherently tied to the legal and political system. These systems, in turn, influence the nature of punishments by the core values upheld by the group or the state, such as the rule of law and equality before the law, without social or political discrimination.

<sup>1</sup> For further details on this perspective, see Georges Balandier, *Political Anthropology*, Paris: PUF, 1967.

<sup>2</sup> Geert Hofstede, *Culture's Consequences*, Thousand Oaks: Sage Publications, 2001, p. 215.

<sup>3</sup> Ibid.

<sup>4</sup> Loïc Wacquant, *Punir les pauvres: Le nouveau gouvernement de l'insécurité sociale*, Paris: Éditions du Seuil, 2004.

<sup>5</sup> Michel Foucault, *Discipline and Punish*, Paris: Gallimard, 1975, p. 104.

<sup>6</sup> Pierre Bourdieu, "The Force of Law: Toward a Sociology of the Juridical Field," *Actes de la recherche en sciences sociales*, no. 64 (1986): 3–19.



## Types of Justice and the Nature of Punishment.

**Table 2.** Typologies of Justice and Their Corresponding Punitive Frameworks

Type of Justice	Type of Punishment	Principle of Punishment	Standard of Justice
<b>Retributive Justice</b>	Based on the principle of proportionality between the Offence and penalty	Restores the balance disrupted by the criminal act	Retribution
<b>Restorative Justice</b>	Takes the form of compensation, apology, and mediation	Aims at reconciliation between the victim, the offender, and society	Restoration of social bonds
<b>Utilitarian Justice</b>	Punishment serves a preventive (deterrent) or educational (rehabilitative) function.	Seeks to prevent, treat, and reform	Protection of society over retribution

There is no doubt that the data we have reformulated here illustrates that punishment embodies the customs, values, power dynamics, and structures of dominance within society. The rule of law is legitimised by the nature of the normative system that sustains the social order and reflects the nature of the society's structure, an understanding of which is made visible through its punitive practices that, in turn, reflect the standard of justice.

### 2. The Transformation of Punishment in Light of Societal Evolution and Shifting Moral Standards

The developments witnessed in human societies amid sociopolitical and socioeconomic transformations confirm the interrelation and complicity between the normative system and punishment, reflecting the concept of justice. Criminal law, as the legal expression of society's values and norms, is inherently connected to such transformations, affecting the moral system. As a result, judicial rulings and punitive methods evolve with societal changes.

As previously analysed, the social structure relies on material and moral foundations, much like an architectural structure. However, these foundations are subject to the mutable nature of social dynamics and only serve their function when they are responsive to these changes. This refers mainly to the visibility of norms and, consequently, the practice of punishment. Even if norms appear fixed, they are only so within their spatial context; temporally, they are relative and variable, shaped by the power structures defining "normal" behaviour within each society's cultural framework.

This again confirms the link between norms and punishment and how they interact in managing conflict within and through social relationships. This dynamic can be traced through key stages in the history of punishment: from retributive justice to royal punitive justice, to reformist justice during the Enlightenment, to modern prison-based justice, and finally, to contemporary alternative sanctions. These developments demonstrate how punishment has been shaped by ideological belief systems and their role in constructing normative value frameworks.

#### a. From Personal Vengeance to State Justice

In primitive and ancient societies, vengeance was a standard for measuring strength and the right to life and survival. Thus, the system of blood revenge embodied a form of retributive punishment, an immediate response based on direct retaliation without any form of trial. According to **Jean-Marie Carbasse**, "ancient criminal law was not a law of crime, but a law of revenge."<sup>1</sup>

With the gradual consolidation of royal authority, this private justice system was replaced by a centralised public justice system. As a newly established value, absolute monarchy dominated the punishment sphere. Punishment became an expression of royal power: "The manifestation of royal authority, and it was the king's honour to ensure public peace by striking the offender."<sup>2</sup>

#### b. Punishment as a Spectacle

By the early sixteenth century, punishment had become one of the mechanisms for enforcing dominance and displaying power. This form of criminal justice employed brutal and public torture in town squares. Michel Foucault described **this system** as a "theatre of cruelty," aiming for punishment to affect minds as much as it harmed bodies to manifest sovereign authority and deter the populace.

<sup>1</sup> Jean-Marie Carbasse, *Histoire du droit pénal*, Paris: PUF, 2000, p. 45.

<sup>2</sup> Michel Foucault, *Discipline and Punish*, Paris: Gallimard, 1975, p. 51.

Punishment (torture, execution, mutilation, etc.) was not merely a response to deviant behaviour; it was a ritualised spectacle orchestrated by sovereign or religious authorities to proclaim and reinforce the rules of discipline of the time. "Torture," Foucault wrote, "is a ritual intended to re-establish damaged sovereignty."<sup>1</sup> These punitive rituals presented justice as a moral standard rooted in obedience to the ruler. As **Beccaria** critically observed, "It is absurd that the law, which punishes murder, should itself commit a public murder in order to demonstrate the enormity of killing."<sup>2</sup>

At the dawn of the eighteenth century, this judicial system began to face widespread criticism from the thinkers known as the **philosophers of the Enlightenment**. They regarded it as a form of barbarism lacking utilitarian justification and producing only counterproductive results, failing to correct deviance and exacerbating it. Philosophers such as **Voltaire, Beccaria, and Diderot** denounced these practices as inhumane and ineffective. **Cesare Beccaria** asserted, "*Punishments should be public, prompt, necessary, the minimum possible in the given circumstances.*"<sup>3</sup>

These denunciations were not mere expressions of outrage; they introduced a normative and moral alternative that transformed the punitive system into a framework informed by a humanistic view of the offender and a rehabilitative approach to deviant behaviour. This transformation was grounded in the principles of **contract theory**, which emphasises the right to life, equality, and justice as inalienable standards not subject to particular interests.<sup>4</sup>

#### **d. Imprisonment: The Moral and Disciplinary Standard**

Punishment underwent a significant shift by the nineteenth century under the influence of reformist ideas that began to bring about political transformations. Corporal punishments were gradually abandoned in favour of imprisonment, which became the central institution of penal justice. The prison was now "intended to reform and soften the individual." The offender was no longer viewed merely as a criminal deserving punishment but as a human being and a member of society needing rehabilitation. This shift reflects notions such as utility and social defence within a moral framework that renders punishment a legitimate project to protect society while enabling individual reform. Once again, the relationship between norms and punishment emerges as profoundly intertwined and complicit. The Enlightenment established moral norms grounded in human dignity, rationality, and social utility. Justice, freedom, equality, and tolerance assumed normative status within penal law. Herein lies the complicity: punishment derived its dimensions from these very norms, while its application simultaneously served to defend and protect them.

#### **e. The Standard of Humanisation and Punishment**

The contemporary period has been marked by new disciplines such as criminology, psychology, and sociology that have contributed to establishing a scientific understanding of social structure. Sociology, in particular, has provided the references and sources that enabled a renewed analysis of human societies, affirming the social necessity of maintaining order. Although social order has taken various forms throughout human history, it consistently rests upon the fundamental principle of needing a system of regulatory rules that must attain a normative level to preserve social balance. As a result, penal laws have significantly developed in offenders' treatment and punishment content in response to ethical challenges. Alternative sanctions have been introduced to replace traditional imprisonment, such as community service penalties, which focus on reintegrating the convicted individual into society rather than merely punishing them. This reflects a shift in the substance of the justice standard, one that now defends both the victim and the offender, recognising the latter as a member of society affected by social factors that led to their deviance. Thus, the aim is to rehabilitate and requalify the offender rather than solely punish them.

### **Conclusions**

From a sociological perspective, punishment cannot be viewed in isolation from the social norms that establish and legitimise it. It constitutes a socially agreed-upon response to violations perceived as threats to the group's order. The study of penal systems reveals that punishments reflect the state of prevailing normative values within a given society at a specific time and place. However, they also mirror society's tensions, inequalities, and mechanisms of social control. The evolution of punishment reflects significant shifts in social representations of behaviour, how it is defined as normal or deviant, and in assessments of danger and responsibility. In this sense, punishment reveals broader societal transformations and adjusts itself accordingly.

<sup>1</sup> "Torture is a ritual intended to re-establish wounded sovereignty." — Michel Foucault, *Discipline and Punish*, Paris: Gallimard, 1975.

<sup>2</sup> Cesare Beccaria, *On Crimes and Punishments*, 1764.

<sup>3</sup> "Punishments should be public, prompt, necessary, the least severe possible in the given circumstances." — Cesare Beccaria, *ibid*.

<sup>4</sup> Michel Foucault, *Discipline and Punish*, Paris: Gallimard, 1975, p. 233.

It redefines and, at times, challenges its very meaning in light of cultural, political, and economic changes. This sociological approach has enabled us to move beyond the purely legal dimension of punishment, allowing a deeper understanding of its symbolic and social significance. It highlights the reciprocal and central role of punishment in shaping the social norms that both shape and are shaped by it. We find that there are no fixed standards of punishment; instead, punishment reflects the values, moral sentiments, hierarchies, and collective priorities of its social context. This close connection between social norms and the penal system demonstrates that justice is not an absolute truth but a normative and evolving social construct. This opens the door to ongoing contemporary debates surrounding justice, the legitimacy of punishments, and how they respond to our societies' socioeconomic, political, and ethical transformations.

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