

Purposes of Criminal Punishment

By Amanda Dollack



Have you ever wondered why we, as a society, are so quick to punish criminal offenders? The automatic response might be, “because they did something wrong and broke the law.” However, if you delve deeper into the reasons we punish offenders, we find numerous **justifications*** for this punishment. Most criminal justice scholars and law professors agree though that there are four primary justifications for criminal punishment: (1) retribution, (2) deterrence, (3) incapacitation, and (4) rehabilitation. To answer this perplexing question, let us consider each of these justifications individually, as well as how they relate to one another in combating crime in the U.S.

Justification #1: Retribution

“He Deserved it”

Justifications: reasons Retribution: revenge

First, **retribution*** is an ancient justification for criminal punishment. Basically, retribution in our society has its roots in Old Testament law from the Bible, which dictates that offenders should be punished in an equal manner reflecting their crime: “an eye for an eye, a tooth for a tooth.” It is a basic human instinct to want to get even when wronged by another. And it is ingrained deep within us that punishment is necessary and inherently deserved when an individual commits a wrong. Ultimately, if a person chooses to violate the laws of society, he has created a debt to his victim(s) or society as a whole and therefore, must pay for his actions before the wrong can be corrected. In the end, this aspect of punishment is an essential part of our criminal justice system, especially since retribution helps satisfy the public’s natural desire for revenge. Some people argue that if the government didn’t punish criminals in a formal way, the public would take revenge for themselves, which would result in more violence and chaos.

Justification #2: Deterrence

“If the punishment is bad enough, nobody will do it.”

Next, a second traditional purpose of criminal punishment is **deterrence**. Deterrence means that the people are dissuaded from committing a crime when the punishment is severe. This second justification for punishing offenders is much more logical than retribution. While retribution tends to feed off of primal human emotions and instincts, deterrence relies on logical analysis of basic human behavior. Essentially, people tend to avoid things that they know are going to be unpleasant. Therefore, if an individual knows for certain that he will be punished if he is caught doing something wrong, he is much less likely to commit a crime. There are actually two types of deterrence: general and specific. General deterrence refers to the idea that if people see criminals being punished for their offenses, it will reduce the likelihood that they themselves will engage in similar behavior. Specific deterrence, on the other hand, involves using punishment against criminals for past offenses to discourage them from future criminal behavior. According to this theory, a man who has already been to prison will be less likely to commit the same crime again. Overall, deterrence aims to use punishment to restrain the behavior of individual citizens (both innocent *and* guilty) to protect our society as a whole.

Justification #3: Incapacitation

"He can't hurt us anymore"

The third of the primary justifications for criminal punishment is **incapacitation**, the idea that when a criminal is taken off the streets, he is no longer a threat to society because he is incapacitated (or unable) to do so. When a criminal is restricted in prison, he is no longer a threat. Incapacitation is similar to deterrence in that it utilizes punishment to protect society from crime. However, unlike deterrence, incapacitation does not address the innocent, just the guilty. The traditional form of incapacitation measures is, of course, imprisonment in jails and prisons. But in reality, both probation and execution (the death penalty) are other forms of incapacitation. Incapacitation ultimately aims to protect the innocent from crime by directly removing the offender from mainstream society, whether for a short time or permanently.

Justification #4: Rehabilitation

"Learn from your mistakes"

Finally, we have a more modern justification of punishment: **rehabilitation**. This is the idea that the reason for the punishment is to teach the criminal a lesson so that he will improve himself and re-enter society without a reduced motivation to offend again. It is why the prison system is referred to as the "correctional facility"—because the purpose is to correct the behavior of the criminal. This purpose of punishment is actually a very controversial and unpopular tool for addressing crime in the U.S. The general public is mostly of the opinion that while rehabilitation should be a part of the criminal justice system, it should not be the sole purpose of criminal punishment. It is unfortunate that there are very few programs in our country's prisons that seek to address the underlying cause of a criminal's behavior. Very few prisons today offer psychiatric treatment for criminals.

Rehabilitation: recuperation



Conclusion

Ultimately, I strongly feel that rehabilitation should be the primary focus of corrections in America. I have personal experience of how the other three primary justifications of punishment have done nothing to change the behavior of offenders. My father had a very good friend that received serious injuries to his legs that caused him horrible pain. His doctors prescribed him strong prescription painkillers to try to help him cope with this pain. However, eventually, he became addicted to them and tried every way possible to gain more medication to feed his habit, even though his injuries had healed. He went from doctor to doctor getting different narcotic painkillers since he was taking many times the number of pills that were meant to last him an entire month. Eventually, he ran out of doctors, and he just was not getting a strong enough dosage that would satisfy his addiction. As a result, he decided to sell his lower-dosage prescriptions to others so he could buy other medications that were much stronger. This went on successfully for a few months, but then, the man he normally bought these illegal prescription drugs off of was caught and sent to jail. And his dealer decided to give authorities the names of his regular customers, one of which was my father's friend. Suffice it to say, they used an undercover agent to approach my father's friend and arrested him for trying to buy illegal prescription drugs.

In the end, he spent a long stint in a state correctional facility and is currently on parole. However, I know for a fact that this guy violated the terms of his parole as soon as he left the parole office. He went immediately to a bar where he knew he could obtain illegal painkillers, sat down with some liquor, chewed up

