

Topic 4.2 Theories of punishment

KEY WORDS

Capital punishment – the death penalty for a crime or offence.

Deterrence – the idea that punishments should be of such a nature that they will put people off (deter) committing crimes.

Judgement – the act of judging people and their actions.

Reform – the idea that punishments should try to change criminals so they will not commit crimes again.

Retribution – the idea that punishments should make criminals pay for what they have done wrong.

The criminal justice system is failing women, a Church of England bishop has said. The Bishop of Worcester, the Right Rev Peter Selby, told the House of Lords that many women were jailed because society had failed to help them to cope with problems such as domestic violence, drug addiction and mental illness. 'The fact that women are incarcerated for shoplifting is an indication that we have not yet taken seriously what "prison as a last resort" means,' he said.

The Times, 6 November 2004

If a society has laws, it must also have punishments for those who break the laws. In the UK, when someone is found guilty of a crime, a judge or magistrate makes a **judgement** on what their punishment should be. The main aim of punishment is to try to make sure that everyone obeys the law. However, there are different theories about what is the most effective form of punishment and what it should do.

Retribution

Retribution is the theory that criminals should pay for their crime. Many people think this should be the main reason for punishment because:

- It makes criminals pay for their crime in proportion to the severity of the crime they have committed. In the past retributive punishments would have killed those who committed murder and taken the eyes out of those who blinded someone.
- It makes criminals suffer for what they have done wrong. Criminals make their victims suffer, so the criminals should also suffer.
- It actually punishes the criminal. The dictionary definition of punish is 'to make an offender suffer for what they have done' and this is exactly what retribution does.

Deterrence

Deterrence is the theory that the punishment should put people off committing crime. Many people think deterrence should be the main reason for punishment because the aim of punishment is to stop people from committing crimes. The idea of deterrent punishment is that punishment should be so severe no one will dare to commit crimes. For example:

- If someone knows they will have their hand cut off if they are caught stealing, then they will not steal, so deterrent punishment will stop theft.
- If people know they will be executed if they are **caught murdering**, they will not murder.

This is Holme House Prison, Stockton-on-Tees. What do you think prison should do to prisoners?



Reform

Reform is the theory that criminals should be taught not to commit crime again. Many people think reform should be the main reason for punishment because:

- They believe the only way to stop crime is to reform the criminal so that they become honest law-abiding citizens who will not want to commit crimes again.
- They believe that most criminals commit crimes because of how they have been brought up and because they do not know how to live without crime.
- Reformatory punishments often involve giving criminals education and qualifications so that they can find a proper job and no longer feel the need to be a criminal.

Protection

Protection is the theory that punishment should protect society from criminals and their activities. Many people think this should be the main reason for punishment, so, for example, they might think:

- **Capital punishment** is a good punishment for murderers and terrorists because if they are dead they cannot threaten people.
- Long prison sentences are a good punishment for violent people or persistent burglars as they keep them out of society so that people and their property are protected.
- **Community service** can be a good punishment for hooligans and vandals because it keeps them off the streets in their leisure time.

Most forms of punishment are a mixture of theories. For example, imprisonment can deter, protect, inflict retribution and give reformation through education, training and counselling.

Drug Dealer freed for saving man

A convicted drugs dealer has had 14 days removed from his 30-month prison sentence for saving a motorcyclist's life. The prisoner was on his way to hospital when prison officers stopped at a road accident and allowed him to use the first aid skills he had learnt in prison to stop the man from bleeding to death.

The Times, 8 November 2000



Former Culture Club singer Boy George is sweeping streets in New York as part of his five days of community service.

Questions

- b** What do you think is the best form of punishment?
Give two reasons for your point of view. **4**
- c** Explain why the law uses different types of punishment. **8**
- d** 'It is no good trying to reform criminals.'
- i** Do you agree? Give reasons for your opinion. **3**
 - ii** Give reasons why some people may disagree with you. **3**
- In your answer, you should refer to at least one religion.

Exam Tip

- b** You should already have thought about this, and you just have to give two reasons for your opinion. For example, if you think deterrence is, you should use two reasons for why some people think it is the best form of punishment.

SUMMARY

The main theories of punishment are:

- retribution – that criminals should be punished for what they have done
- deterrence – that punishments should be so harsh no one would dare commit a crime
- reformation – that punishment should try to change criminals into law-abiding citizens
- protection – that punishments should protect society from criminals