Chapter 2
WHY DO WE PUNISH?

Introduction to Corrections
CJC 2000
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Name and describe the five primary punishment philosophies.

List and summarize the three key elements for effective deterrence.

Compare and contrast selective and general incapacitation.

Summarize rehabilitation’s development from a reclamation focus to a reentry emphasis.

Explain the key ways in which retribution differs from revenge.

Describe how restorative justice principles are used in sentencing, during community supervision, and in prison.
Learning Objectives
After this lecture, you should be able to complete the following Learning Outcomes

2.1 Name and describe the five primary punishment philosophies.
Key Terms

- Deterrence
- Incapacitation
- Rehabilitation
- Retribution
- Restoration
2.1 Deterrence

Discouraging future criminal acts by both the offender and others in the population.

- Society tries to deter by publicizing crime and punishment.
- This assumes that criminals are rational and would be affected by their crimes being made public.
- Must be: certain, severe, swift

Source: news.everestonline.edu
2.1 Incapacitation

Restricting an offender’s freedom of movement through isolation from the general population.

Source: libertybailbonds.org
Rehabilitation

Providing the offender with skills, attitudes, and norms that enable him or her to be law-abiding.

Source: wpclipart.com
2.1 Retribution

Retribution is the idea that perpetrators of wrongdoing should be punished in a way that is just and adequate to the wrong committed. This concept is rooted in ancient philosophy and has resonated throughout history. The idea of retribution is based on the belief that punishment should be proportional to the harm caused. It is often associated with the notion of 'an eye for an eye,' implying that victims should be compensated in kind.

Source: writing.wikinut.com

Just and adequate punishment.
2.1

Restoration

Restoring the victim, community, and offender through accountability, respect for the law and the legal process, and attention to victim needs.

Source: le0pard13.com
Learning Objectives
After this lecture, you should be able to complete the following Learning Outcomes

2.2 List and summarize the three key elements for effective deterrence.

In order for punishment to be a deterrent, it must be certain, severe, and swiftly applied.
Key Terms

Specific Deterrence

General Deterrence
2.2 Deterrence

Seeks to deter the offender from committing additional crimes.

Seeks to deter a population from committing crime in the first place.
Learning Objectives
After this lecture, you should be able to complete the following Learning Outcomes

2.3 Compare and contrast selective and general incapacitation.
Key Terms

- **Selective Incapacitation**
- **General Incapacitation**
- **Technological Incapacitation**
2.3 Incapacitation Types

- Selective
- General
- Technological
Selective Incapacitation

Imprisonment is reserved for those very few offenders who must truly be locked away for society’s protection.

*premise: locking away the few that commit most crimes will reduce crime rate

Source: flickr.com
Imprisonment is acceptable and desirable on an extensive scale for a wide range of offenders as a means of crime prevention.

Source: prisonphotography.org
Technological incapacitation

Using technologies such as critical organ surgery, chemical treatment, and electronic monitoring to restrict an offender’s freedom of movement.
Learning Objectives
After this lecture, you should be able to complete the following Learning Outcomes

2.4 Summarize rehabilitation’s development from a reclamation focus to a reentry emphasis.
Key Terms

Iron law of imprisonment
Iron Law of Imprisonment

Almost all prisoners will return to free society.
Learning Objectives

After this lecture, you should be able to complete the following Learning Outcomes

2.5 Explain the key ways in which retribution differs from revenge.

Retribution is a legitimate penal philosophy requiring a formal penal sanction, equity and just deserts. Revenge is NOT considered a legal penal philosophy.
Key Terms

Lex talionis
Lex talionis

The law of retaliation. It is similar to retribution.
Retribution v. Revenge

Formal v. Informal
Equity v. Irregular
Just deserts v. Unbalanced
Describe how restorative justice principles are used in sentencing, during community supervision and in prison.

Restorative justice can occur at any phase in the criminal justice system, and has a goal of trying to make everything “whole again.”
Key Terms

- Norm of reciprocity
- Reparative probation program
- Restorative justice
- Citizen circles
- Victim-offender mediation
- Victim impact classes
What is the **norm of reciprocity**?

The view that punishment as a natural response, or reciprocation, to a wrongful act.
What is restorative justice?

The process, also called community justice, wherein victim, offender, and community representatives determine a fair or just way to restore the balance that the crime had upset.
2.6

What is *victim-offender mediation*?

An application of restorative justice in lieu of formal sentencing wherein the victim, offender, and community representative determine a fair and just way to restore the damage caused by the crime.
What is a **reparative probation program**?

A Vermont restorative justice program that suspends a low-level convict’s probation sentence if he/she agrees to make amends directly to the community and/or victim for his/her harmful acts.
What are citizen circles?

An Ohio restorative justice program that encourages community collaboration with offenders during their reentry supervision.
What are victim impact classes?

Restorative justice program typically offered in prison, wherein prisoners hear violent crime survivors share their experiences with the hope of effecting positive change in the offender.

Source: texarkanagazette.com
The five punishment philosophies are deterrence, incapacitation, rehabilitation, retribution, and restoration.

In order for punishment to be a deterrent, it must be certain, severe, and swiftly applied.

Selective incapacitation relies on the characteristics of the criminal, general incapacitation relies on the characteristics of the crime itself.

Rehabilitation is a relatively new philosophy that today focuses on how the offender should return to the community.
Retribution is a legitimate penal philosophy requiring a formal penal sanction, equity and just deserts. Revenge is NOT considered a legal penal philosophy.

Restorative justice can occur at any phase in the criminal justice system, and has a goal of trying to make everything “whole again.”