

Criminal Punishment

As a child, it is likely you were given sanctions for doing something bad, for example, failing an exam or breaking something expensive. You could have been grounded or had your TV privileges taken away for a while. The aim of this was most likely to teach you that there are consequences to your actions; but more importantly, so that you do things differently next time.

Criminal punishment works in a very similar way (with a few more complexities, of course). It refers to a method of controlling and/or reducing crime by punishing criminal offenders. It is complementary to crime prevention strategies but mainly focuses on dealing with the crime after the offence has been committed.

In this article, we will provide a summary of different approaches to criminal punishment and explore various sociologists' perspectives on punishment:

Approaches to criminal punishment

Criminal punishment comprises several different approaches based on the **desired outcome**. This depends on whether the society or criminal justice system at hand aims to:

- reduce occurrences of crime overall (reduction)
- gain retribution for harm caused by a crime, or
- restore justice to victims of a crime.

Let us look at each of these desired outcomes in turn.

Reduction

Strategies of punishment that focus on crime reduction include deterrence, rehabilitation and incapacitation.

Deterrence

This involves punishing the individual quite harshly to discourage them from future offending. Also, through making an example of them, significant punishments can act as a deterrent to other people who might consider committing the same crime.

Example

If someone receives a big fine or a long prison sentence for a minor misdemeanour, this will ideally discourage others from doing the same to avoid the same penalty.

Rehabilitation

One of the primary purposes of punishment (for certain crimes) is to rehabilitate the criminal offender – ensuring that they undergo reform, change their ways and do not engage in the same criminal behaviour in the future. This gives them a second chance at an honest life.

Incapacitation

This is one of the most extreme methods of crime punishment focused on reduction and entails physically removing the capacity for the offender to re-offend in the same area. If they do not have the means or ability to commit the crime, they cannot do it.

Example

Examples include long term prison sentences, cutting off hands, chemical castration, or the death penalty.

Retribution

This is based on the idea of 'an eye for an eye'; the concept of getting revenge for harm done. Many people in society, especially those who have been victims of violent crime, believe the criminal must pay for their crime for justice to be served. Since the criminal has caused harm, they deserve to have harm inflicted on them in return.

An example of retributive crime punishment is ascribing the death penalty for murder.

Restoration ← Also referred to as “Restitution”

Compensatory or restorative actions in crime punishment involve the offender making amends (or attempting to make amends) for the harm they have caused. This can mean paying a fine or providing some form of financial compensation to cover the cost of the damage they have caused.

It considers the wider concept of 'restorative justice', where the offender and the victim(s) of their crime are brought into communication. Restorative justice signifies a meeting between the individual responsible for the crime and the victim, sometimes with community representatives present. It is an opportunity for the offender to take responsibility for their actions and directly hear how they have impacted others.