

Punishment

It seems to me that discussion of punishment is confused, partly because the word itself is used in a number of different and often overlapping senses. I suggest that it is best to consider punishment as consisting of three elements:

- 1) Retribution - the restoration of an equilibrium or status quo between the offender and society at large (and, wherever possible, the victim).
- 2) Reform - to ensure that the offender changes for the better.
- 3) Deterrence - to discourage other potential offenders, as well as the offender themselves, from re-offending.

It follows from this that such arguments as 'Prison works because it keeps the burglar out of circulation for the duration of his sentence' may or may not be true but are not part of the argument about punishment. They belong really to the wider discussion of crime prevention, along with things like burglar alarms, gun control and separation of rival supporters at football matches.

When a punishment is widely felt to be inappropriate, it is nearly always because one of its three components (retribution, reform or deterrence) is being over-emphasised at the expense of one or both of the others.

For example: The death penalty was abolished because it wiped out the possibility of reform. (There were, obviously, other reasons, some of them mistaken).

The view that prisons are not tough enough should not be dismissed; it is often a response to an over-emphasis on the reform element at the expense of deterrence and retribution. Public executions over-emphasised deterrence and retribution at the expense of reform.

Further thoughts: We should not assume that corporal punishment is necessarily wrong; it might indeed be a good thing.

Corporal punishment might, in some cases, allow proper emphasis on the element of retribution. For example, there may be some sense in the view that 'a flogging is the only thing some of them understand!' If a form of punishment is not recognised as such by the offender and/or by a large element of society, retribution cannot be said to have taken place.

The punishment should fit the offender rather than the crime. For instance, a rich man should be fined more than a poor man for the same offence.

It is wrong to equate a formally administered flogging following due process with a violent back-street crime: we might as well abolish other coercive sentences such as fining or imprisonment on the grounds that they are no better than theft or kidnapping.

The idea that capital punishment is uniquely unjustified because it can never be undone is mistaken - no punishment can be undone. A better argument against capital punishment is that it gives too much priority to deterrence and retribution and none at all to reform.

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