WHY PUNISH?

I. UTILITARIAN JUSTIFICATIONS

1. **Deterrence**
   - General (deters potential offenders in the general community)
   - Specific/Individual (makes an individual less likely to re-offend)
   - Moral Influence (inculcates and maintains habits of law abiding conduct in the general population)

2. **Reform**

3. **Incapacitation**

II. RETRIBUTIVE JUSTIFICATIONS

1. **Assaultive retribution**: Punishment is justified without any consideration of the criminal’s rights or best interests. It deters private vengeance and sends a useful denunciatory message to would be offenders. (Stephens, p. 104)

2. **Protective Retribution**: A just society has the right to punish voluntary wrongdoers, under an analysis of benefits and burdens. (Morris, p. 108)

3. **Vengeance Retribution** (*lex talionis* - eye for an eye) - true retributivists are not committed to any particular scheme of punishment (Moore, p. 107)

III. **Reconciliation/Restorative Justice**: Crime is a violation of one person by another rather than simply against the state. Allowing victims and offenders to be involved in resolving the conflict, though dialogue and negotiation is central to restorative justice. Face to face meetings impressing upon offenders the real human impact of their behavior and compensating the victim for their losses through restitution by the offender. Justice achieved by “exacting of debt” or forgiveness.

OTHER CONSIDERATIONS

Restitution
Proportionality