Why Punish?

Compare three reasons for responding to an offense.

S.10.8 "Explore theoretical foundations of punishment including retributive, rehabilitative, and deterrent."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline the goal of each punishment theory and circle each proposed court response. Put a star beside a sentence that shows how two goals might conflict.

A Broken Bus Shelter

1. One Saturday, a person breaks several glass panels at a city bus shelter. Repairs cost the transit agency money, and riders wait in the rain while crews replace the panels. A court must decide how to respond. Under retributive theory, punishment is justified because a person who committed a wrong deserves a proportionate consequence. The aim is to hold the person accountable for the harm, not to predict whether the sentence will change future behavior. A court might require the person to pay for repairs or complete service connected to the damage. A punishment far harsher than the offense would conflict with proportionality.

2. Suppose the investigation finds that the person has repeatedly damaged property after conflicts with others. Rehabilitative theory asks how a response might help the person change behavior and avoid another offense. The court might pair supervised community service with a program that teaches ways to handle anger and settle disputes. In this view, the program matters because it targets a possible cause of the conduct, while service creates a structured chance to practice responsibility. Rehabilitation does not erase the harm to riders or guarantee success. It depends on whether the response addresses the person's needs and whether the person can use what is taught.

3. Deterrent theory focuses on preventing future offenses by making the costs of wrongdoing clear. A required payment and a reliable response to vandalism might discourage this person from breaking another shelter, called specific deterrence. Knowing that vandalism is likely to bring a consequence might also discourage other people, called general deterrence. Deterrence is not the same as making every penalty severe: a person must believe a consequence is likely to follow. Theories can support the same response for different reasons, or pull in different directions. A payment may match the damage, yet a payment someone cannot afford could make it harder to complete a helpful program.

2 ANSWER WITH EVIDENCE

Use the passage

1. How could requiring payment for repairs serve retribution even if it does not prevent another offense?

2. Why would the program that teaches ways to handle anger and settle disputes fit rehabilitation better than payment alone?

3. How might a reliable consequence deter both the person who broke the shelter and other people? Name both forms of deterrence.

4. Why might a payment that fits the damage still pose a problem for rehabilitation?

3 YOUR TURN

Your own words

A person steals a neighbor's bicycle and returns it damaged. Propose one consequence for each of the three theories and explain how each serves that theory's goal. Include one possible tension between two of your choices.

Why Punish?

PART 1 · READ AND MARK

Underline the goal of each punishment theory and circle each proposed court response. Put a star beside a sentence that shows how two goals might conflict. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How could requiring payment for repairs serve retribution even if it does not prevent another offense?	**Payment could hold the person accountable for the damage with a consequence proportionate to the harm. Retribution does not depend on preventing another offense.**
2	Why would the program that teaches ways to handle anger and settle disputes fit rehabilitation better than payment alone?	**The program targets a possible cause of the person's repeated behavior and aims to help the person avoid another offense. Payment alone does not address that cause.**
3	How might a reliable consequence deter both the person who broke the shelter and other people? Name both forms of deterrence.	**Expecting a consequence might keep that person from damaging another shelter, which is specific deterrence. It might also discourage other people from vandalizing property, which is general deterrence.**
4	Why might a payment that fits the damage still pose a problem for rehabilitation?	**If the person cannot afford the payment, it could make completing a helpful program harder, even though the payment matches the damage.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

Retribution could require paying for the bicycle repairs, a consequence proportionate to the damage. Rehabilitation could involve a decision-making program if an assessment finds that impulsive choices contributed to the theft. Deterrence could involve a clearly communicated, consistently enforced penalty for bicycle theft, so this person and others expect a consequence. A large fine might discourage theft, but if the person cannot pay it, the fine could make participation in the program harder.

Accept different plausible consequences when the student links each to its distinct goal and explains a genuine tension. A single consequence may serve more than one theory if the student explains how.