

# **CASEBRIEFS**

**The Understanding Video Lecture Series™**

**Theories of Punishment**

# Why Punish?

- Utilitarian
- Retributive

# Utilitarian Theory

- The utilitarian theory of punishment seeks to punish offenders to discourage, or "deter," future wrongdoing.
- This theory seeks to deter future crimes
  - Specific deterrence seeks to deter the specific person being punished
  - General deterrence seeks to deter society as a whole from committing crimes
- This also encompasses rehabilitation

# Retributive Theory

- The retributive theory seeks to punish offenders because they deserve to be punished.

# ***R v Dudley and Stephens***

- Dudley and Stephens were shipwrecked along with two other men. When one of them, the cabin boy Richard Parker, fell into a coma, Dudley and Stephens decided to kill him for food. After a highly publicized trial they were convicted of murder and sentenced to death with a recommendation for clemency; the sentence was commuted to six months in prison.

# Why Punish?

- Reason to punish for retributive theory?
- Reason to punish under utilitarian theory?

