**Brief Summary**

**Conceptualizing Punishment**

Although the nature of punishment has changed from harsh public displays to efforts to create more humane alternatives, the justifications for punishment have remained consistent.  Retribution, deterrence, rehabilitation, incapacitation, and restitution/restoration are the main goals of criminal punishments—although which goal(s) are most strongly emphasized may vary based on societal approval, the offender, and the crime. The continued use of each punishment strategy often depends on public and political support.  This chapter further explores the philosophical basis for each punishment type and critiques their effectiveness.

**The Politics of Whom We Punish**

While the majority of Americans believe that there are circumstances in which individuals should be punished, decisions about who receives punishment are influenced by many factors that are not exclusively based on the crime and the law.  Society constructs perceptions of who is dangerous, which can lead to unequal and disproportionate punishment based on race, ethnicity, gender, age, and other social characteristics.

**Limitations on Criminal Punishment**

The principles of culpability, legality, and proportionality are important in determining what acts should be punished and what types of punishment can or should be given. The Eighth Amendment to the U.S. Constitution offers protections against excessive bail, excessive fines, and cruel and unusual punishment; however, the Constitution and the Bill of Rights are constantly reinterpreted to meet the needs and consensus of current society. As the use of physical punishments (e.g., the death penalty) decline, new technology may improve our methods of punishment in the quest for "humane" treatment of criminals.