Chapter 6 – Reward and Punishment

General Overview
If we can be held morally responsible then apportioning rewards and punishments seems appropriate. Who rewards or punishes and the kinds and types of reward and punishment that might be thought appropriate are the concern of this chapter. Therefore the concept of justice is crucial and the main forms of justice are introduced and explicated.

Class Suggestions
Again, much of the material in this chapter is rich and can be explored through a diverse range of activities, debates, presentations, group projects, etc. Simple examples to start off discussion might be whether basketball players should receive million dollar salaries while teachers earn… Does Bill Gates really deserve all of that lucre? What would be an appropriate punishment for Mr. Smith who stole the life-saving drugs because he couldn’t afford them, etc? The issues of affirmative action and capital punishment are almost always in the news, and a debate style class or mini-project on one of these can be fruitful. Getting students working on particular cases will give them a taste of this style of analysis and prepare them for some of the cases to come later in the text. Material in this chapter connects with work done in previous chapters and instructors may want to emphasize these connections, going over previous material and demonstrating how it’s relevant here.
Chapter 6 – Reward and Punishment

Key Concepts: Reward, Punishment, Justice, Retributive justice, Desert, Distributive Justice, Results, Restitutive Justice, Compensation, Egalitarian, Equality, Need, Production, Effort, Ability, Deterrence

Key Questions: 1. Analyze the two main theories of how to reward. Which is the best and why? 2. What are the strengths and weaknesses of the utilitarian theory of punishment? 3. Retributivism justifies punishment on the basis of desert. What are the advantages and disadvantages of the approach? 4. Is restitution a plausible way of punishing? Explain any difficulties with this view and advantages. 5. Is a synthesis of these theories possible? Discuss with reference to all of the models introduced in this chapter.

Chapter Summary
Definition of Key Terms

Reward and punishment in relation to justice
Reward and punishment will be discussed in the context of justice.

Elements of justice
Several elements of justice apply to reward and punishment.

What justice involves
How should we distribute justice, i.e. good and bad, right and wrong, reward and punishment on a just and fair basis?

Concern with past events
Justice concerned with the past, what has been done rather than what might or perhaps will be done? Rewards and punishments, of course, affect the future.

Individualistic rather than collectivistic
Individuals rather than groups are punished or rewarded. Punishing groups can lead to injustice.

Comparative injustice
Deals with comparisons of treatment in terms of rewards and punishment.

Reward
Rewards can be distributed in four ways:

1. Equally without regard to ability or merit
2. According to ability
3. According to merit or desert
4. According to needs

Criteria for rewarding people

Egalitarian criterion or equal distribution of goods and rewards
Equal distribution without regard to ability or merit. Example of Swedish hospital and kidney dialysis. How to decide who gets dialysis when need surpasses ability to provide. What criteria are applicable? Is a lottery the most fair and ethical means of deciding?

Problems with equality of distribution
Egalitarian method ignores merit, ability, need, etc. Should those with differing aptitudes, skills, abilities be treated the same? Equality of consideration if they have other Attributes – race, sex, religion, age, handicap – to what extent are these important factors? Are people really equal?
Production, or what people produce
Quality and/or quality production as criteria for reward. Those who produce better or more should be rewarded accordingly.

Effort
Reward effort regardless of quality or quantities of work. How do you reward effort?

Ability
Natural ability. Should people be rewarded for simply having ability for which they have had no responsibility for? How should acquired ability be rewarded? Should those with ability be rewarded even if they choose to not utilize their abilities?

Need
Rewards based on need.

Private need – what individuals need as a result of poverty. What should be given? Money, jobs, scholarships? Consider the latter. Should the brightest or the most needy get the scholarship? Does reward in terms of need eliminate incentive? Is rewarding those in need fair to those who are talented and hardworking?

Public need – Reward based on fulfilling public need. Should a basketball player receive greater rewards than a nurse?

Other criteria
1. Long and expensive training including profession
2. Job or profession requiring expensive equipment
3. Physical danger
4. Unpleasantness of job
5. Seniority

Theories of how to reward
Two main theories deal with how to reward (and punish).

1. Retributivism (just deserts)
2. Utilitarianism (results)

Retributivism
People deserve rewards (or punishments) for what they have done not for what the consequences of what they have done may be. What they have done is primarily assessed in terms of effort.

Utilitarianism
Chapter 2 showed that utilitarianism is based on good consequences for everyone affected by acts or rules. Reward only on the basis of bringing this about. Does this tend to reward results, not hard work or desert? Could reward an undeserving person simply because to do so may bring good results.

Punishment
Moral or legal punishment usually involved four elements:

1. It must involve unpleasantness
2. Punishment must be given or done for some thing
3. It should be imposed or given by those with requisite authority
4. It must be imposed according to laws or rules violated by offender
Justice perhaps best served by law rather than private individuals for two reasons:

1. Private punishment looks more like vengeance than justice
2. Public punishment more amenable to justice being carried out

**Theories of punishment**

**Retributive, or deserts, theory**

Punishment only when it is deserved not in order to accomplish anything, such as deter. Imposed because of a crime committed not a social good to be achieved.

*Why crime requires punishment*

Two reasons:

1. Re-establish balance of morality – ‘scale of justice’
2. Eliminate or set right advantages achieved to wrong doers

*Problems with determining desert*

How to match crime to punishment. Desert theory need not consider mercy or forgiveness. Should a crime committed a lifetime ago be punished equally with the same crime committed yesterday? Should a ‘mercy killing’ be punished equally with a cold-blooded murder?

*Problem of mercy*

Should mercy be shown to criminals? To all, some, none? Should retributivists stick solely to idea that punishment is based on desert?

*Problems of determining seriousness of offenses and punishment*

What are the most serious offenses and punishments? In some cultures stealing is punished with death or hands are cut off. What offenses deserve what punishments?

*“An eye for an eye and a tooth for a tooth”*

1. Mirror-image theory: punishment mirrors crime
2. Punishment should be suitable, appropriate for the crime

**Utilitarian or results theory**

Punishment is future oriented – looks to consequences/results.

Two sanctions:

1. Internal – directed to conscience, guilt, shame
2. External – laws or penalties imposed

These sanctions are justified by the good consequences or results they bring about. If punishment rates better than some other practice, then justified.

*Consequences for the offender*

Should punishment bring about good consequence for offender? Aim at rehabilitation or reform. Can and should offenders be treated?

*Consequences for potential offenders – deterrence*

Does punishment deter?

1. No real evidence that punishment deters. Not public
2. Using criminal as ‘means to an end’
3. If punishment deters then works with innocent as well as guilty
Effects on society at large – protection
How effective is punishment in protecting society in the long run? Would other means serve us better?

Problem with justice
For the utilitarian punishment is justified by utilizing justice. Aims more at social engineering.

Restitution, or compensation for victims theory
Justice is served only if victims are compensated.

Crime against State, not individual
Is crime a violation of the individual or State? Compensation necessary for individual to counteract crime against State. Restitution fits quite well with our other two main theories

Problems
1. How much restitution is sufficient?
2. Should rich criminals pay more than poor ones?
3. Can old or sick criminals be expected to compensate their victims?
4. Does not distinguish between intentional and unintentional injury or harm

Is a synthesis possible?
Could a synthesis of the three theories work?

Retributivism – desert or merit as reward but not exclusively. Innocent should not be punished and punishment ‘fit the crime.’

Utilitarianism – modify or moderate rewards or punishments according to usefulness, especially those that seem harsh or unfair.

Restitution – compensation can bring about good consequences to the most deserving of victims.

Some other possibilities for the distribution of goods or rewards
Distribute goods equitably in terms of need and moderate according to desert, or merit or ability or as a result of productivity, effort, etc.

Conclusion
A synthetic approach appears best for both reward and punishment without losing sight of need and the egalitarian approach.