

Criminal Justice: An Overview of the System

Module 2: The Political and Legal Environment

2.5: Theories of Punishment

Celerity: Swiftness of movement; As an element of rational choice theory, the term is used to indicate that punishment should administered swiftly to be effective.

Certainty: In rational choice theories, used to indicate that punishments are only effective if criminals are relatively sure they will be punished.

Cesare Beccaria: Eighteenth-century Italian philosopher that argued punishment should only be severe enough to offset the pleasure gained from committing the crime.

Cost Benefit Analysis: The systematic weighing positive consequences against negative consequences in decision making.

Culpable Mental State: A mental state sufficient for a person to be worthy of blame for a criminal act, such as acting intentionally, knowingly, recklessly, or negligently.

Deterrence: The idea that criminal punishments will prevent future crimes because the offenders have learned from their punishments (specific deterrence), and society learns from the example of the punished (general deterrence).

Disproportionate Minority Contact: Refers to the disproportionate number of minority youth that come into contact with the juvenile justice system, as well as the disproportionate number of minorities that come into contact with police.

Drug Court: Specialized courts with jurisdiction over drug offenses and a focus on rehabilitation and treatment.

Fair Sentencing Act of 2010: A law that reduced the disparity between sentences for possession and distribution of crack cocaine and powdered cocaine; many critics considered the disparity as racist.

General Deterrence: A type of deterrence based on the premise that society in general will avoid crime because of the example of those that have been punished.

Incapacitation: The corrections goal of removing the ability of the offender to commit future crimes.

Individual Racism: Racism stemming from a person's attitudes and beliefs about other races.

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Institutional Racism: Racial inequalities that result from institutional policies and procedures.

Multiethnic: Constituting multiple ethnic groups.

Multiracial: Constituting multiple racial groups.

NAACP: The National Association for the Advancement of Colored People is an African–American civil rights organization founded in 1909.

Racial Discrimination: A situation that occurs when one person is treated less favorably than another because of his or her race.

Racism: The belief that some races of people are better than other races.

Rational Choice Theory: The perspective that people choose a particular course of action when they perceive that the benefits of the action outweigh the costs.

Recidivism: A relapse into criminal behavior; an important measure of how good of a job probation, parole, and prison programs are doing at rehabilitating offenders.

Rehabilitation: The act or process of restoring something to its original state of being.

Restitution: Money paid to the victim of a crime as part of a criminal sanction.

Severity: The idea that the punishment for a crime should be just severe enough to offset the benefit of committing it.

Specific Deterrence: A type of deterrence based on the idea that the individual offender will be dissuaded from future criminality by experiencing punishment.