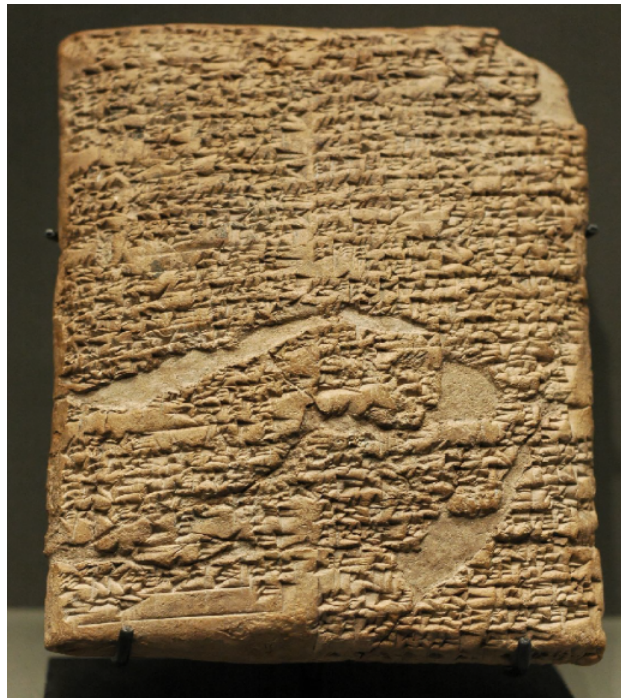


## 8.2: Retribution

**Retribution**, arguably the oldest of the ideologies/philosophies of punishment, is the only backward-looking philosophy of punishment. That is, the primary goal of retribution (in its original form) is to ensure that punishments are proportionate to the seriousness of the crimes committed, regardless of the individual differences between offenders, other than *mens rea* and an understanding of moral culpability. Thus, retribution focuses on the past offense, rather than the offender. This can be phrased as “a balance of justice for past harm.” People committing the same crime should receive a punishment of the same type and duration that balances out the crime that was committed. The term-backward-looking means that the punishment does not address anything in the future, only for the past harm done.

It is argued as the oldest of the main correctional/punishment ideologies because it comes from a basic concept of revenge, or “an eye for an eye.” This concept of an eye for an eye, or vengeance, basically means that if someone perceives harm, they are within their right to retaliate at a proportional level. This idea that retaliation against a transgression is allowable has ancient roots in the concept of Lex Talionis, which roughly translates into the law of retaliation. A person who injures someone should be punished with a similar amount of harm (punishment). This concept was developed in early Babylonian law, and it is here that we see some of the first written forms of customs and practices. Thus, around 1780 b.c., the Babylonian Code, or the Code of Hammurabi, is considered the first attempt to codify practices by individuals of a group. We recognize these today to be our first attempt at written laws. These laws (pictured below) represent a retributive approach to punishment. That is proportional punishments for past harms done.



Hammurabi Code

The retributivist philosophy also calls for any suffering beyond what was originally intended during sentencing to be removed. This is because the dosage of punishment is the core principle of retribution: offenders who commit the same crime must receive the same punishment. Punishments beyond the original balancing of justice for the past harm is outside of the scope of retribution, and thus, does not fit with retribution. This also helps to explain why retribution is a backward-looking ideology. As we continue forward in the history of punishment, we see changes to our perceptions of how to react to crime. This includes our changing views of punishment, to include punishment ideologies that are more forward-looking.

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