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Considering Retribution within Theoretical and Philosophical Contexts

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Abstract:

Retribution remains one of the most enduring theoretical and philosophical tenets of criminology and criminal justice. This explanation for punishment has been extensively examined but often viewed as simplistic. The current paper explores the research on retribution and analyzes patterns of support for retribution to enhance our understanding of its role in crime and punishment. Findings from the analysis of survey data reveal support for retributive perspectives is not uniformly distributed across the sample. These findings, particularly the descriptive and multivariate modeling offer opportunities for considering how retributive attitudes may inform broader explanations of societal responses to crime, victimization, threat, and harm.

Keywords: punishment, retribution, revenge, theoretical explanations of criminal justice

Introduction

Criminology and criminal justice have long relegated retribution to the periphery of punishment discussions, often presenting this philosophy as simply an extension of emotional responses to harm or victimization. Other disciplines, most notably philosophy and psychology, have examined the intricacies of retribution perspectives and furthered our understanding of the ways in which humans consider retributive elements and how they function within systems of justice and responses to victimization and harm. This study examines the philosophical and theoretical concepts inherent in retribution to understand the context, utility, and potential of this punishment frame. Retribution is neither bad nor good in a theoretical sense. Indeed, every concept or construct can exist, or perceive to exist, in both a healthy or pathological way, depending on context, philosophy, experience, and more. As such, there is usually both value and limitation with every concept we attempt to understand. This prompts a deeper examination of whether individuals' attitudes or perceptions about retribution reflects underlying impulses of revenge or legitimate expressions of justice within a moral and legal framework. Evidence suggests there is more nuance to concepts included in the philosophy of retribution. This paper posits connections across disciplines and expands efforts to

understand many long held concepts associated with retribution, including just deserts and proportionality, to understand how those ideas function within individual and collective moral and legal perspectives. Ultimately, we conclude that retribution is more complex than traditionally represented in criminology and seek to establish a foundation for understanding how it shapes both individual behavior and formal system responses to the threat and harm of criminal victimization.

Retribution

Retribution is a philosophy or theory of justice that argues offenders deserve to be held morally accountable for violating the law through punishment and that punishment must be proportional to the severity of offenders' crimes. The philosophical foundation for retribution is that offenders should receive their "just deserts" for their wrongful behaviors and extends the notion that the world cannot move forward until an offender "gets what he or she deserves." The basic philosophy of retribution is easy to comprehend and garners overwhelming general public support; those who do wrong deserve punishment and punishment should be proportional to the crime committed, typically expressed as "an eye for an eye." The foundational concepts of retribution are expressed as right, justice, and desert (Bindal, 2009). Right refers to the notion that punishment is the right thing to do when the law is violated, justice refers to the need to restore social order or moral balance to a community, and desert refers to the retributive element of proportionality.

The essence of retribution is accountability, which is an essential feature of society, where crimes represent extreme cases rather than unique scenarios (Oldenquist, 1988). Accountability requires social countermeasures, including punishment. Two retributive reasons for punishment are that it supports victims in ways that reaffirm their value to a community and communicates society's condemnation of the offender's behavior in ways that clarify that the acts were not condoned (Bronsteen, 2009). Cooperative or communal living requires socialization, which allows for human behavior to become mostly predictable and, consequently, nonpredatory, or relatively safe (Oldenquist, 1988). Most citizens agree that states are justified in punishing those who violate the law (Bronsteen, 2009). Retributivists argue that criminal guilt is the only justifiable reason to apply state-sanctioned punishment to an individual (Bindal, 2009). Ultimately, the positive outcome, or moral good, pursued from retributive judicial punishment is a sense of equality restored between offender and society that cannot be realized or accomplished separately from or outside of the application of punishment (Koritansky, 2005). Furthermore, if applied appropriately and consistently, retributivists argue the use of punishment would decrease and would become more humane in nature (Bindal, 2009).

Support for ideas that offenders should be punished because they deserve it has been found to be associated with a number of individual, cultural, and social factors. Older adults, whites, and men are more often found to have higher levels of support for retribution (Unnever & Cullen, 2010). Those who identify as politically conservative are significantly more likely to endorse retributive perspectives and policies. (Unnever, Cullen, & Applegate, 2005). Throughout the 1980s and 90s, a number of political candidates ran successful campaigns using citizens' fears about social issues and the need to "get tough on crime" and subsequently passed a variety of anticrime bills that increased punitiveness in sentencing (Rosenberger & Callanan, 2011). Similarly, support for retribution is often higher among those who support authoritarian, punitive, and/or conservative values (Carlsmith & Darley, 2008; Wenzel, Okimoto, Feather, & Platow, 2008). Rosenberger & Callanan (2011) attribute the growth of popular punitiveness to public ignorance about crime policy that is likely exacerbated by media consumption. Their study suggests the amount of consumption of crime-based television shows, news coverage, and other crime-related media, as well as the total number of media-viewing hours, may cause viewers to increase their support for punitiveness.

Religious affiliation, particularly among evangelical Christians in the United States has been positively associated with support for retribution. (Grasmick, Cochran, Bursik, & Kimpel, 1992). The 1970s and 80s were eras with increased focus on punitiveness in criminal justice that coincided with increased participation in politics and public policy debates by evangelical and fundamentalist

Protestants, labeled by the media as the New Christian Right (Grasmick, Cochran, Bursik, Jr., & Kimpel, 1993). For example, the 1976 Supreme Court case of *Gregg v. Georgia* ruled that states could use the death penalty and that public opinion was a legitimate basis for creating justice policy. This increased the state's role in punishment and led to new legislation for the death penalty, a rejection of the rehabilitation model, and calls for more punitive, or harsher, punishments for offenders. In addition, the New Christian Right's involvement in public policy emphasized the connection between religion and justice policy preferences, understanding that, for some population segments, support for particular policies is driven more by religious convictions and is unlikely to be dissuaded by research data about social causes or effective programs that do not align with the public's religious roots regarding punishment. Punishment, or accountability, is essentially a moral action done in an effort to restore social order and moral balance to a community, which is the ultimate goal of retribution (Oldenquist, 1988). For these reasons, it is essential that retribution be the "central aim" of a morally justified system of punishment or the essence of punishment is lost (Bradley, 1999).

Retribution and Punishment

Retribution and utilitarianism are frequently given and analyzed as justifications for punishment (Bronsteen, 2009; Carlsmith, 2006; Koritansky, 2005; Twardawski, Tang, & Hilbig, 2020). From a utilitarian perspective, punishment can be viewed as an instrument of control (Gerber, 2021), as utilitarian punishments seek to limit future behavior or crimes, typically through deterrence or incapacitation philosophies and strategies, and are evaluated in terms of their potential benefit or harm to society (Carlsmith, 2006; Gerber, 2021; Twardawski, et al., 2020). Additionally, utilitarian punishments are thought to increase the welfare of the people (Bronsteen, 2009). Accordingly, a utilitarian approach requires forethought, as there must be some consideration for how a punishment will prevent law violations in the future (Twardawski, et al., 2020). Consequently, within a utilitarian scheme, punishments that fail to consider or prevent future harm or victimization are considered unjustified (Bindal, 2009). Additionally, if the outcomes of utilitarian punishments can be achieved through other means, such as social policy or education, then punishment is both unnecessary and unacceptable. Thus, utilitarian punishments derive their morality from the positive consequences associated with punishment and from the notion that punishment is never an end in itself (Carlsmith, 2006). Empirical research for utilitarian approaches to punishment examine different aspects of punishment and public support is mixed, suggesting that attitudes about punishment likely consider factors in addition to utility (Gerber, 2021).

Retribution traditionally argues that punishment is justified because it is the right thing to do when someone violates the law, regardless of utilitarian considerations. Punishment from a retributive perspective is generally viewed as a symbolic process meant to restore people's confidence in shared values by clarifying morally and socially acceptable boundaries and to restore people's confidence in social order and moral balance (Gerber, 2021). Punishment personifies the moral order, symbolically labeling a law-violation as unacceptable. Simply, it is a repayment of wrongful behaviors. Furthermore, punishment is just and necessary, generally, as it serves to maintain civil order and protect against lawlessness (Shuster, 2011).

Retribution exemplifies many features of the criminal justice system, including the idea that the entire community is the aggrieved party for criminal prosecutions, punishment is reserved only for those who are criminally guilty, and that applying consequences for unjust behavior neither demeans an individual nor deprives them of their basic equality in society (Bradley, 1999). The essential element of applying sanctions is to restore the interrupted social order or moral balance and is done to an extent that is proportional to the criminal's unfair appropriation of liberty so that, over time, a balance of restraint and liberty is formulated in a way that being law-abiding is not a disadvantage to others. Other philosophies and strategies become extensions of retribution or secondary goals of punishment (Bradley, 1999; Shuster, 2011). As such, utility cannot be the foundational goal of a system of punishment, as individual accountability is the precise intent of retribution.

Studies by Carlsmith (2006) indicate the public's sentiments about sentencing decisions are affected primarily by retribution and not deterrence or incapacitation. Findings from those studies, comparing retribution and utility, suggest people generally find information about retribution to be more relevant, searched for retribution information about crimes most often when determining criminal sentencing, and that retribution information about sentencing choices made them feel more confident than information about deterrence or incapacitation. Additional research literature suggests the public's punishment intentions are primarily retributive in nature rather than utilitarian, but that punishment goals are likely context dependent and influenced by a variety of factors (Twardawski, et al., 2020). Thus, regarding punishment, people may be more likely to support utilitarian goals when thinking abstractly and retributive goals when thinking about a specific aspect of punishment, particularly if they are considering their own victimization.

Retribution and Revenge

Retribution is often portrayed simplistically and as a more "backward looking" philosophy. This is in part because it is argued to be concerned with punishment of committed offenses and not with future crime or criminality as are deterrence, rehabilitation, and incapacitation (Shuster, 2011; Travis III, 2015, p. 174). The retrospective aspect of retributive justice emphasizes criminal guilt and was conceptualized by early penologists as cruel and irrational (Shuster, 2011). Yet, the purpose of punishment, for both individuals and society, is to limit certain behaviors in an effort to maintain or restore social order and to find a balance of liberty and restraint that encourages law-abiding behaviors (Bradley, 1999). Nevertheless, retribution is often defined or described as an act of revenge as a response to a wrongful, or criminal, act.

Despite its notable commonality and its substantial ramifications for society, revenge has received relatively little attention regarding intellectual thought or scholarly research, as many ancient philosophers dismissed the concept as immoral and ruthless and, until recently, psychologists viewed revenge as one-dimensional, simple, and absent of complex processes and conceptualizations (Jackson, Choi, & Gelfand, 2019). Research has documented men are more physically aggressive than women but has not explained why men are more physically aggressive, suggesting gender differences for revenge motivation (Wilkowski, Hartung, Crowe, & Chai, 2012). Differentiating between anger, an affective state, and revenge, a motivation for action, research suggests that men exhibit stronger tendencies than women for revenge and that revenge can be motivated by something other than anger, such as a pursuit of status, the desire for protection, and social order. In addition, strong feelings of revenge often result from those who experience criminal victimization (Orth, 2004). Thoughts about revenge occur naturally, as these feelings often result from pain, fear, and vulnerability associated with the victimization experience. Orth (2004) explored victims' feelings of revenge in relation to legal punishment of offenders in two studies, one a cross-sectional study of 174 crime victims and another longitudinal study of 31 crime victims. Results from these studies suggested victims were satisfied, only partly and temporarily, by legal punishments. Consequently, the criminal justice system's responses to crime and offenders will play a role in victims' and other citizens' feelings of satisfaction about punishment.

Price (2009) notes two historical perspectives about revenge. One perspective argues that a proportional, or retributive, approach to justice is another act of injustice. This perspective usually is presented as a quote that may or may not have been spoken by Mahatma Ghandi – "an eye for an eye makes the whole world blind." This perspective views retribution as an emotional reflex rather than a thoughtful, intentional, logical, or objectively measurable response. Oldenquist (1988) captures the personal and emotional elements of retribution with his assertion that the desire for retributive punishment for criminal victimization is "deeply felt, intractable, and largely independent of utilitarian considerations" (p. 464). This suggests that individual punishment preferences are emotional, "fixed," and mostly personal as victims or those who witness victimization, either through personal observation or media accounts, are largely concerned with their own feelings of vulnerability or satisfaction. Interpreting retribution as a justification for vengeance or as solely

focused on personal gratification misses the point of retributive justice, as the theory advocates for the institutionalization and regulation of punishment (Bindal, 2009). Specifically, retributive theory is intended to neutralize the personal instinct of retribution so as to systematically atone for any semblance of revenge; yet, acknowledge that revenge is integral to any democratic system of punishment. In this regard, it is appropriate to say that justice, in one significant aspect, is “civilized revenge” (Bindal, 2009). A systematic and regulated system of punishment allows for retribution to transcend and include individual, or personal, feelings when punishing offenders.

Revenge is often argued as coming with a price as it can leave a person reflecting on a situation and feeling unhappy rather than moving forward and finding closure or a way to live with their suffering. Price (2009) acknowledges both that “revenge is a very human response to feeling slighted” and that “humans are atrocious at predicting its effects” (p. 34). Behavioral scientific research suggests that revenge can prolong the unpleasant feelings of an initial incident rather than satiate the avenger’s sense of hostility and that inflicting harm through vengeance may not result in the desired satisfaction (Jaffe, 2011). Research suggests people overestimate the intensity and duration of their future affective reactions to a myriad of life events, including such things as the dissolution of relationships, changes in employment status, outcomes of political elections, and more (Carlsmith, Wilson, & Gilbert, 2008). Specifically, research suggests that people anticipate a positive emotional experience from punishing someone, but the opposite is often true. Simply, they expect to feel better after enacting revenge, but its execution can lead to prolonged rumination and negative emotions including a decrease in mood, while those who only witness revenge could feel indifferent or even better. Furthermore, people tend to overestimate how good they will feel after taking revenge, demonstrating a bias in anticipatory reasoning. This begs the question of why revenge, or retribution, remains desirable to some if the resulting outcome is not what individuals seek or routinely experience. A real or perceived absence or lack of justice can impede closure for some, or leave a feeling that social order remains unbalanced or has not been restored to a satisfactory level. Thus, some individuals might be aware of the negative effects of retribution, and still consider it a valid, legitimate response to crime. Understanding this phenomenon could lead to broader understanding of how people make decisions about punishment, or policy, and its associated emotional consequences, highlighting a potential disconnect between anticipated and actual affective experiences and expectations.

Punishing wrongdoers in the face of negative, personal feelings may also be an act of selfless, or altruistic, punishment with the intent to keep societies intact and functioning. (Carlsmith, Wilson, & Gilbert, 2008). The notion being that an individual, either acting on his or her own, or within their respective professional capacity, sacrifices some of their personal well-being to punish an individual who violates society’s rules or laws and, ultimately, the social order or moral balance of a community. As pervasive, natural, ingrained, or evolved as revenge may appear, resisting the urge for revenge or retribution is quite common as well (Jaffe, 2011). Human capacity for forgiveness can equal or exceed our desires for revenge or retribution, as each aspect of humanity is evolutionary and adaptive. However, it may be that some individuals cannot forgive until they feel as though order, or community, has been restored. This means that an offender’s debt must be “paid in full” to the satisfaction of the members of the community. Or there is a remaining balance owed. This supports the notion that we ultimately seek altruistic punishment, despite its personal effects, in hopes that it will encourage a stronger sense of community that will consequently reduce or prevent victimization.

Mackie (1982) describes a “paradox of retribution,” in which he describes retributive feelings as a contradiction within our moral reasoning capacity (p. 3). The paradox refers to the notion that it is impossible to remove retributive thoughts and feelings from our moral cognitive process; yet, those thoughts and feelings do not reconcile with a practical or utilitarian moral framework for punishment. Similarly, Jaffe (2011) suggests there is a basic instinct for retribution ingrained in the human spirit and Gerber (2021) suggests that retributive responses are naturally intuitive. Recognition of moral consciousness and its instinctual desire for justice implies that punishment is not fundamentally

supported for utilitarian reasons, to satisfy personal transgressions, or to socially declare an individual's behavior unacceptable; rather, it is to satisfy an innate desire to see virtuous people prosper (Shuster, 2011). Biological research suggests that early human brains were hardwired for revenge and that revenge was largely functional for individual people (Jackson, Choi, & Gelfand, 2019). Early humans faced many adaptive threats tied directly to their survival and reproduction, including such things as murder, theft, and mate poaching. Revenge evolved in these groups as a mechanism for protection of self and others and as a way to communicate to others that additional behaviors that threatened members of the group would receive a similar response.

A second historical perspective for revenge is that proportional punishment, or "an eye for an eye," is a just response to unlawful behavior. This school of thought derives from the Code of Hammurabi, which alleged a time of inequality and class-based punishments. Revenge appears counterproductive for individuals and destructive for society, and is often presented as such; yet, evidence suggests there is a certain logic to revenge (Jackson, Choi, & Gelfand, 2019). For example, retaliatory aggression can function as dissuasion in general and can help stabilize a community by communicating to its members that norm violations are not tolerated. Specifically, revenge can serve to inform others you are willing to defend yourself or those you care about; similarly, if you live in a society, or community, where rule of law is weak or weakly enforced, then revenge can provide social order (Price, 2009). Thus, revenge is logical, useful, communal, and the different manifestations of revenge are logical, meaning the ways in which people avenge relates directly to their sense of status, equity, and surrounding cultural norms (Jackson, et al., 2019).

Cultural models suggest that revenge emerged and evolved along with social norms in human societies and that revenge is not adaptive for individuals but is functional for communities or larger society by maintaining normative homeostasis (Jackson, et al., 2019). From this perspective, communities are thought to function in a manner where members mutually benefit from available resources and adherence to communal norms and behaviors. A violation of norms or processes likely upsets the balance of a community and revenge serves as an instrument to restore notions of reciprocity, balance, and fairness. The intent of revenge is perhaps more focused on preventing additional violations of norms than responding to an individual or particular offense (Jaffe, 2011). From this lens, revenge provides significant cultural benefit as it leads to more cooperative and productive societies in exchange for its great personal costs. Its larger function directly discourages potential offenders from violating rules or norms, establishes a general framework or structure for what is acceptable conduct in a community, and encourages, or coerces, community members to uphold their commitments to the other members of the community, as well as the norms or rules for conduct. The multiple perspectives, or layered explanation, for revenge mirror those for retribution, that punishment can function at both individual and collective levels, thus supporting the notion that both revenge and retribution can serve larger society.

Retribution can be depicted as a valid moral claim, or as justice, and not revenge, when it is framed as an impartial and proportionate response to wrongdoing, grounded in principles of fairness and accountability, rather than as an act of personal satisfaction driven by emotion or desire for retaliation. It is "sanitized revenge," that is, revenge becomes retributive justice when certain empirical social conditions are present (Oldenquist, 1988, p. 464). For context, empirical social conditions could refer to those who believe a person has a right to protect themselves, their family, or their property from a perceived threat and may feel the police or other aspects of criminal justice are limited in their resources to provide safety and security. In addition, the social responsibility to punish law violators could be extended to individuals; thus, representing the willingness and responsibility to punish those who cause harm to others. Bradley (1999) argues retribution justifies several features of our criminal justice system, such as notions that society as a whole is the aggrieved party in criminal prosecutions, punishment be reserved for those who choose to violate laws, and imposing sanctions does not differentiate or discriminate offenders from others in society. Retribution also encourages revulsion of certain types of crimes. Accordingly, an individual who

enacts retributive justice in defense of criminal victimization would be in philosophical accordance with principles of the criminal justice system.

Retribution and Just Deserts

Retribution has been criticized as being vindictive in its approach or as providing a justification for vengeance (Bindal, 2009). On the contrary, the fact that the basis for retribution is proportional punishment, or punishment that “fits the crime,” supports the notion that retribution desires justice and not vengeance (Koritansky, 2005; Shuster, 2011). Another traditional objection to retributive punishments is that if applied literally, or either too strictly or too leniently, punishment loses the essence of proportionality; yet, the theory is not intended to be applied in such a manner and is meant to include the flexibility necessary for effective punishment (Bedau, 1978; Bindal, 2009; Koritansky, 2005). Inherent in retribution are values of rights and justice rather than utility, which is less stable as a foundation (Bindal, 2009). Retribution argues punishment is deserved and necessary to restore social order and moral balance. Other philosophies, such as deterrence and incapacitation are used to justify punishment, but do so from different principles (Carlsmith, 2006). Each of these theories could suggest different punishments for a similar crime or they could suggest the same punishment for different reasons. In addition, utilitarian punishments risk punishing some offenders more or less than what is deserved, by emphasizing that similar crimes receive similar punishments. Retribution seeks only to punish to a degree which is deserved and necessary for restoring social order, disregards any punishment that is disproportionate, and never supports punishing the innocent (Bindal, 2009). Thus, some offenders could receive similar punishments, but the notion that justice, or punishment, must be applied equally to offenders convicted of the same offense is an organic byproduct for retribution’s principle of proportionality (Bedau, 1978; Bindal, 2009). Retribution does not seek equal treatment in punishment if that could allow punishment for some offenders to do more harm than necessary to restore order or moral balance, which is implicitly against the goals of retribution.

Punishment is a legal act and a valid approach for securing the common good (Koritansky, 2005). Furthermore, equality of justice is as vital to the common good as are other fundamental aspects of community, such as health, safety, and order. The focus on punishment has made retribution synonymous with the “get tough” movement in politics and criminal justice, which has received varied support, politically and empirically. The “get-tough” approach to crime and justice is characterized by punitive punishments for violations of law. Public support for harsh or punitive sentences has increased since the year 2000 and is generally recognized as support for sanctions that are considered harsh, such as incarceration or the death penalty, or more intense, such as longer prison sentences (Gerber, 2021). Two different, yet both conservative, ideologies relevant to punitive attitudes are right-wing authoritarianism (RWA) and social dominance orientation (SDO) (Gerber, 2021). Those associated with a RWA perspective support harsh or punitive punishments from the notion of restoring collective security while those associated with a SDO perspective support punishment as a way to maintain dominance over criminal offenders. While some people may seek or support punitiveness from a place of personal vengeance, that is not the essence or intent of proportionality, desert, or, ultimately, retribution.

A lack of satisfaction, likely caused by the perpetual, or long-term, suffering from loss, may lead some to desire a certain amount of punitiveness, or severity, regardless of its effectiveness. Punishments can sometimes end relatively quickly in comparison to the length of time victims, or their loved ones, spend in grief or dealing with the aftermath of victimization. Those supporting retribution may believe sanctions could factor the amount of grief or suffering endured by those victimized, directly or indirectly, when gauging proportionality in punishment. Thus, the public’s support for punitiveness, or “getting tough”, could relate to both emotion and logic and how that relates to the notion of proportionality. A desire, or support, for retribution does not prove it right; yet,

there are elements to consider that could provide insights into why some favor or support retribution as a viable, logical, and moral response to offender behavior (Oldenquist, 1988).

The heart, or spirit, of retributive punishment is to impose upon, or subvert, an offender's will in a way that deprives him or her of some liberty to assert their individual will, thereby remedying the violation of law (Bradley, 1999). This process of restoration helps to ensure that, over time, people do not begin to see law-abiding behavior as disadvantageous. The notion that offenders gain an "unfair advantage" over law-abiding citizens is not a reference to aspects of power or control gained from criminality; rather, it refers to a social disparity created because the offender separated him- or herself from the community by violating the law (Koritsansky, 2005). Organized and civilized societies require and expect a certain amount of restraint on individual wills and, when not abided, an offender's advantage cannot be removed until he or she is made to suffer a deprivation of individual will that serves to counter the willful act of injustice, or self-indulgence, that occurred. Depriving an individual some aspect of individual will can serve to restore the sense of equality among community members and produces a common good that humans naturally desire.

An important aspect of retribution is that the offender owes a debt to law-abiding members of a community (Bindal, 2009; Shuster, 2011). Subsequently, it is possible that an offender is allowed to reenter a community once that debt has been paid, or fulfilled (Bindal, 2009). Readmittance could depend on the type and amount of harm that resulted from the law violation. Thoughts and feelings about retribution are more salient when a perpetrator is perceived as a member of our own community, or as someone we expect to consider and regard both the law and how its violations could affect others in a community (Oldenquist, 1988). People feel angry or vulnerable when society's values and ideological preferences for in-group conformity have been violated (Gerber, 2021). Consequently, those who favor punitiveness tend to be those who perceive society under threat from moral decay, or from a lack of social cohesion, and expect punishment to reassert social bonds and moral alignment. Thus, public opinion about retribution is important because of its influence on criminal justice policy.

Retribution is closely associated with the concept of punishment. Borg & Hermann (2023) note that numerous studies have examined differences across subgroups in attitudes about crime, with many identifying age-and gender-based variation depending on the type of offense. For example, younger individuals who engage in certain offenses may be less likely to view those behaviors as serious as older individuals. Similarly, gender differences emerge for crimes that affect men and women differently. Two recurring points of consideration are the degree of wrongfulness and harmfulness associated with an offense. These concepts are central to discussions about retribution, given the theory's emphasis on social order and moral balance within a community. Punishment, then could function as a response to both emotional needs for satisfaction and more rational concerns about protection. Additionally, satisfaction with punishment is associated with perceptions of confidence, trust, legitimacy, and political support for police, judicial, and correctional institutions and processes. Thus, some may interpret retribution as a vengeful response to crime while others interpret it as serving a broader social function in restoring order or balance within a community.

Sociodemographic factors such as race/ethnicity, gender, age, social class, religion, and political ideology are typically included when examining individual attitudes toward criminal sentencing, with political ideology, religion, and personal experience identified as particularly important predictors (Rosenberger & Callanan, 2011). These variables are likewise relevant to understanding attitudes about retribution. This study examines the social, political, and demographic predictors of support for retributive justice, using descriptive statistics, bivariate correlations, and a multivariate linear regression model. The aim is to identify who is most likely to endorse retributive perspectives and why. Using data from an online survey of a large purposive, though representative, sample, this study contributes to understanding retribution as a framework for interpreting human behavior related to justice and violence. While retribution is not a new concept, its empirical examination and

conceptual development remain limited. Accordingly, this study adds to the literature by clarifying the complexities and nuances of perspectives about punishment and justice.

Methodology and Analysis

This theoretical study examined the social, political, and demographic predictors of support for retributive justice to inform the development and testing of the theoretical and philosophical concepts discussed in the literature review. Descriptive statistics, bivariate correlations, and a multivariate linear regression model were used to investigate who is most likely to endorse retributive perspectives and to identify factors that explain why. A quantitative approach was used as that methodology is effective for testing whether relationships exist and resulting data can reveal broad patterns, identify specific groups, and highlight unexpected relationships, serving as a starting point for deeper qualitative investigation of those factors, which is better suited for exploring how and why those factors exist and their significance, among other things. The qualitative statements used in this study to construct the retribution scale serve as the conceptual foundation for operationalizing retribution into a measurable construct. Presenting qualitative statements as survey items measured from “strongly disagree” to “strongly agree” allowed researchers to assign numerical values to responses, aggregate responses into a composite retribution score, and compare individuals or groups on their support for retributive beliefs or policies. In this way, the retribution scale serves as both a measurement tool and a guide for further open-ended investigation.

Data were collected from a national sampling frame, resulting in a final sample of 3,265 respondents. This quota-based purposive sample offers a unique opportunity to test challenges related to this examination and expansion of understanding about retribution. The electronic online survey was conducted using Qualtrics Panels in April 2017 in the United States, with respondents distributed across the country. In order to examine questions related to specific behaviors, the Qualtrics panel of United States residents included specific sample targets: at least 50% were gun owners, no more than 70% white respondents to enhance racial diversity, and an even distribution of those identifying as males and females. This study explored retribution perspectives to examine the manner population characteristics array across the sample and offer opportunities to further our understanding. The resulting sample was diverse in terms of age, education, income, and community type. The average respondent was approximately 43 years old. A little under half identified as male (44.4%), and a majority identified as White. Educational attainment was relatively high, with over 76% reporting at least some college education. Most respondents had middle to upper-middle incomes, with over 61% reporting earnings between \$25,000 and \$99,999 annually. Geographically, respondents came from various community types, though suburban (40.3%) and urban (33.9%) areas were most represented. Roughly 28% of the sample was from the South, and 24.6% identified as Protestant. Politically, the largest group identified as independent (29.7%), followed by Democrats (including strong, leaning, and moderate), and then Republicans. Specific findings for this can be found in Table 1.

Table 1: Descriptive Analysis of Included Measures

Retribution scale	Mean=23.23, SD=5.75
Respondent Demographics	
Age	Mean=42.66, SD=16.48
White	52.1
Male	44.4
Education	52.10
Never attended school	0.10
Some high school	3.60
High school graduate or GED	19.60

Some college or technical school	35.70
College graduate (B.A., B.S.)	29.80
Advanced degree (M.S., M.A., Ph.D.)	11.20
Income	
\$9,999 and under	5.50
Between \$10,000 and \$24,999	12.30
Between \$25,000 and \$49,999	25.90
Between \$50,000 and \$99,999	35.70
Between \$100,000 and \$149,999	11.80
Between \$150,000 and \$199,999	4.90
More than \$200,000	3.80
Married	50.40
Community-Rural to urban	
Urban	33.90
Suburban	40.30
Large rural	7.20
Small rural	17.80
Geographically isolated	0.80
Southern	28.20
Political identity	
Strong Democrat	10.20
Democrat	16.20
Leaning Democrat	7.30
Independent	29.70
Leaning Republican	11.20
Republican	15.50
Strong Republican	10.00
Protestant	24.60

This study evolved from the notion that common statements or phrases about punishment, violence, harm, and defense, such as endorsing proportional retaliation or justifying violence under threat of harm, reflect deeper, layered belief systems. Beyond shallow conceptualizations or opinions, these statements or phrases reflect underlying personal philosophies, individual theories, moral arguments, cultural influences, and experiential factors, among other things, that shape attitudes and perceptions about crime and justice. Individuals asserting that vengeful responses to wrongdoing, or that violence is justified in defense of self, family, or property, are expressing complex normative frameworks that warrant deeper examination.

To engage these complexities, a retribution scale was constructed from qualitative statements to measure how strongly individuals support retributive moral frameworks. The statements used refer to normative beliefs about justice, punishment, and the use of violence in situations involving threat, harm, or self-defense, and each statement captures a slightly different dimension of retributive thinking. The first two statements listed below measure individual beliefs about proportional punishment and moral vengeance. The third statement reflects the idea that harm or violence can be justified as a means of protection or to avoid greater harm. The remaining four statements explore contexts where individuals might endorse killing another person, such as personal threat, physical attack, defense of family, and defense of home or property. Specifically, respondents were asked to answer whether they “strongly disagree,” “disagree,” “neither agree nor disagree,” “agree,” or “strongly agree” with the following statements:

- R1: "An eye for an eye and a tooth for a tooth" is a good rule to live by.
- R2: "When someone does wrong, he/she should be paid back for it."
- R3: "It is often necessary to use violence to prevent violence."
- R4: "A person has the right to kill another person if they are threatened."
- R5: "A person has a right to kill another person if they are physically attacked."
- R6: "A person has the right to kill a person to defend their family."
- R7: "A person has the right to kill a person to defend their home or property."

Survey scores were calculated by adding together responses across all seven items, with response options ranging from 1 (strongly disagree) up to 5 (strongly agree), providing a range of possible scores from 7 to 35. On average, respondents scored 23.23 on the retribution scale (SD = 5.75), indicating moderate support for retributive justice policies. Item analysis on the individual measures found moderate to high significant positive correlation between all items. Results of this analysis can be found in Table 2. Higher levels of agreement with each statement were found to co-occur with higher levels of agreement with all other statements related to retributive perceptions and opinions. This analysis demonstrates the individual elements of perspectives about retribution. Noteworthy is the willingness individuals seem to have to see violence and harm as means for defending themselves and their families, including the willingness to take life in defense of themselves, family, and home or property. This suggests that violence is more than simply emotional reactions to threat or perceptions of harm but also serves some purpose for the respondent. Other measures within the scale suggest a balancing of threat and potential harm to others. Given the previous discussion of these concepts in the literature, this finding is not surprising and aligns with prior research on this topic.

Table 2: Retribution Measures Correlations

	R2	R3	R4	R5	R6	R7
R1: Eye for an eye	.541**	.463**	.381**	.368**	.285**	.398**
R2: Paid back	1	.441**	.323**	.355**	.320**	.364**
R3: Necessary violence		1	.480**	.456**	.363**	.417**
R4: Kill if threatened			1	.598**	.430**	.508**
R5: Kill if attacked				1	.586**	.588**
R6: Kill to defend family						.629**
R7: Kill to defend home						1

To further understand what predicts a retributive perspective, bivariate correlations and regression analyses were conducted. Table 3 shows the strength and direction of bivariate correlational relationships between the retribution scale and various demographic and contextual variables. The correlation matrix provides insight into simple associations between independent variables and includes the retribution scale described above. Support for retribution was significantly positively correlated with being white, male, higher income, married, from the South, and politically conservative. These findings indicate that respondents from traditionally more dominant social groups and conservative political backgrounds tend to be more supportive of punitive justice policies. Conversely, perceptions of community safety were negatively correlated with retribution support. In other words, individuals who felt safer in their communities were less likely to favor punitive approaches. Other demographic factors such as age, education, and rural residence showed weaker or inconsistent correlations.

Table 3: Bivariate Correlations

	2	3	4	5	6	7	8	9	10	11	12
1. Retribution	0.039	.046*	.156**	-0.004	.054**	.099**	-0.018	.145**	.171**	-.053*	.057**
2. Age	1	.194**	.055**	.069**	-0.014	.155**	.081**	-.077**	.066**	.067**	.242**
3. White		1	-.070**	0.039	0.035	.158**	.207**	.066**	.293**	.062**	.124**

4. Male			1	.066**	.087**	0.037	-.137**	-.044*	0.004	.051*	0.028
5. Education				1	.273**	.182**	-.069**	-.051*	0.023	.130**	.092**
6. Income					1	.303**	-.050*	-0.042	0.02	.135**	-0.006
7. Married						1	0.04	.073**	.178**	.065**	.105**
8. Rural							1	.059**	.178**	-0.009	.071**
9. Southern								1	.079**	0.034	.115**
10. Politics									1	0.019	.187**
11. CommSafe										1	0.039
12. Protestant											1

* Correlation is significant at the 0.05 level (2-tailed). ** Correlation is significant at the 0.01 level (2-tailed).

Table 4 includes results of linear regression predicting support for retribution. This regression model estimates how much each demographic variable predicts support for retribution, controlling for all others. Support for retribution is strongest among individuals who are White, male, higher-income, conservative, and from the South. Conversely, individuals who perceive their communities as safer or who live in rural areas tend to show lower support for retribution. Interestingly, education, age, and religious identity do not significantly predict retributive attitudes when controlling for other variables. When controlling for all other factors, the regression analysis revealed that several variables independently predicted support for retributive justice. Being white and male were both significant predictors, even when controlling for education, income, and political orientation. This finding indicates that gender and racial identity shape perspectives on punishment in meaningful ways. Identifying as Southern was strongly and positively associated with agreement with retributive attitudes, which may reflect regional cultural norms that historically emphasize "law and order" and punitive justice. Higher income was a modest but significant predictor, indicating that those with more economic resources may view justice more harshly—possibly because they feel more secure or distanced from criminal behavior.

Table 4: Predicting Retribution Perspectives with Linear Regression

	Unstandardized Coefficients		Standardized Coefficients	t	Sig.
	B	SE	Beta		
(Constant)	20.442	0.788		25.956	0.000
Age	0.012	0.008	0.035	1.555	0.120
White	1.235	0.288	0.100	4.292	0.000
Male	1.565	0.246	0.140	6.370	0.000
Education	-0.063	0.126	-0.011	-0.498	0.618
Income	0.261	0.100	0.060	2.595	0.010
Married	0.473	0.259	0.042	1.823	0.068
Rural	-0.272	0.114	-0.053	-2.391	0.017
Southern	1.762	0.270	0.142	6.523	0.000

Political Identity	0.407	0.071	0.131	5.738	0.000
Community safety	-0.478	0.121	-0.086	-3.964	0.000
Protestant	-0.057	0.292	-0.004	-0.197	0.844
Dependent Variable: Retribution Scale					

Political identity emerged as a strong predictor, with conservative respondents significantly more likely to endorse retribution. This is consistent with broader research linking conservative ideology with support for punitive policies. Perceived community safety was inversely related to retributive support, indicating that fear or concern about crime may fuel harsher justice views. Interestingly, rural residency was associated with less agreement with retribution, contradicting common assumptions that rural areas are more punitive. Education, marital status, age, and Protestant religious affiliation were not significant predictors in the multivariate model, indicating that once other variables are accounted for, these factors do not strongly shape retributive perspectives.

This analysis demonstrates that support for retributive justice is not random but rather is patterned by race, gender, income, region, political identity, and feelings of community safety. Individuals who are White, male, Southern, conservative, and higher-income individuals are significantly more likely to support punitive approaches to justice. These findings clarify how broader social and political contexts shape public opinion about crime and punishment. Notably, the data indicate that perceptions of safety—not just demographics—play a critical role in justice attitudes, offering a valuable entry point for dialogue about policy reform and public education. Perhaps more importantly, these results raise important questions about our understanding of retributive tendencies among those who prioritize punishment over other responses to crime and challenge assumptions about the perceived simplicity of retribution as a perspective of justice.

Discussion, Implications, & Conclusion

The results of the analysis confirm previously tested models of support for retribution and add to our understanding of the patterns of this support across individual characteristics and experiences. Most noteworthy is the continued exploration of underlying concepts related to support for seeking violence in response to threat or harm to oneself, family, home, or property. This study found that whites, males, and those with higher incomes indicate higher levels of support for retributive statements. Individuals who identified as living in rural areas, Southern, and more Republican regarding political identity were also more supportive of retributive statements. Individuals who indicate feeling less safe in their communities were more supportive of retribution, perhaps suggesting retribution is seen as an active response to perceived threats within their respective communities.

Though limited due to nature and age of the data, results of this study indicate retributive responses to crime or victimization are not solely personal or emotional and are tied to thoughts, perceptions, or experiences conceptualized in terms of wrongfulness or harmfulness, as suggested by Borg & Hermann (2023). Punishment, then, is “the right thing to do” as a vehicle to seek justice. Findings from this study also indicate that people’s thoughts, ideas, and support for different types of punishments and policies are influenced by group or social dynamics, personal and communal values, and a number of other factors that operate both personally and socially. Lastly, this study’s findings indicate elements such as public opinions, perceptions of personal or public safety, politics, community structure, and other factors are reflections of the importance placed on proportionality in punishment, as this is believed to repair the damage that occurs to the fabric of a community.

Patterns in individuals’ agreement with and support for retribution suggest that this exploratory analysis has uncovered potential for greater explanatory power of retribution for a variety of behaviors associated with responses to crime and violence. Of particular interest is how these perceptions might affect one’s willingness to engage in protective behaviors such as weapons use

and other security measures. Future research could further examine the patterns identified in these behaviors, as well as the potential influence of demographic factors and support for retribution, to better clarify their theoretical and practical implications. Evolving our understanding of these concepts could help us progress narratives related to public and personal safety and inform educational and intervention programs. Developing effective policy to address the harms associated with security measures requires consideration of the reasons individuals might seek justice through means other than the criminal justice system.

Examining how individuals interpret, negotiate, contextualize, and respond to these types of statements can assist researchers with understanding the deeper meanings that inform retributive orientations. We contend that retribution requires more depth in examination, which is why this study did not begin with a more sophisticated statistical model. Qualitative methods, such as focus groups or interviews, and purposeful sampling, are designed for exploring such questions as why participants have particular beliefs, how participants interpret concepts such as justice, punishment, or revenge, or how experience and culture shape their views.

Several potential areas for future qualitative inquiry emerge from the themes embedded in these items, offering opportunities to further investigate how individuals conceptualize retribution, violence, and defense of self, family, or property. For example, future research could explore meanings of retribution by asking participants how they personally interpret such concepts as “eye for an eye” in a modern society or by asking what it means to be “paid back” when someone has done wrong. Another area of inquiry could examine justifications of violence by asking participants to describe types of situations or factors where violence is necessary or acceptable. Research could also inspect individuals’ boundaries for self-defense by asking how they determine when a threat is serious enough to justify lethal force or if someone sees a difference between defending themselves, their family, their property, or the life or property of another. Additionally, qualitative research could more deeply explore elements of moral reasoning or lived experience. For example, research questions about moral reasoning could ask participants how cultural, legal, or religious views shape their views about punishment or retaliation or they could ask whether, and how, a person’s views about retribution or self-defense have changed over time. Similarly, questions about lived experience can ask a person if his or her beliefs have changed because of a particular experience or because of narratives in media or society that influence beliefs about justice, punishment, revenge, and the use of violence.

This study is grounded in the premise that retribution, as a theory of justice, has been marginalized within contemporary criminology, as greater emphasis is typically given to utilitarian frameworks such as deterrence, rehabilitation, and incapacitation. Although foundational to classical conceptions of punishment, retribution is often reduced to simplistic notions of violence, vengeance, or punitiveness, and as a result, its philosophical depth, particularly regarding moral reasoning, proportionality, and social perceptions of justice, has been underexplored. Typical or common discourse suggests that retributive thinking remains deeply embedded in how individuals interpret violations of law or social order, personal or social responsibility, and appropriate responses to harm.

This analysis reconceptualizes the relationship between retributive theory and criminal justice policy. Rather than view retribution as a simplistic theory of justice or merely emotional retaliation from harm, it is framed here as a complex, socially embedded moral framework that shapes public attitudes, policy preferences, and institutional practices. We contend that individuals’ underlying beliefs or personal philosophy about human behavior influence the types of policies, programs, and institutional practices they support. By treating retribution as both a measurable construct and a social reality, this study offers a foundation for a more theoretically and philosophically informed integration of retribution and criminal justice policy.

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