

LESSON 6

What Are the Goals of Corrective Justice?

Purpose of Lesson

This lesson introduces you to the goals of corrective justice and examines the difference between wrongs and injuries. When you have completed the lesson, you should be able to define corrective justice, explain its goals, and identify wrongs and injuries in different situations.

Terms to Know

wrong
injury
deterrence

correction
prevention

What is corrective justice?



The Code of Hammurabi is the most complete extant collection of Babylonian laws. Developed during the reign of Hammurabi (1792-1750 BC), these 282 case laws include economic provisions dealing with prices, tariffs, trade, and commerce; family law including marriage and divorce; criminal law; and civil law dealing with issues such as slavery and debt. The code was intended for application to a wider realm than a single country.

Do you think the principle of "an eye for an eye" is a fair response to a wrong or injury?

Each of the following situations involves an issue of corrective justice. Corrective justice refers to the fairness of responses to wrongs or injuries. A wrong is conduct that violates a duty or responsibility imposed by laws, rules, customs, or moral principles. An injury is harm or damage to persons or property, or violation of a person's rights.

- Convicted of theft, Mustafa was taken into the public square where the executioner chopped off his right hand with a sword.
- While Paul was stopped for a red light, Sarah crashed into his car. The court ordered Sarah to pay \$5,500 for damages to Paul's car and \$8,376 for his medical bills.
- Three members of a gang beat and robbed a 60-year-old woman standing at a bus stop. The woman was hospitalized for two months and permanently crippled by the beating. The gang members were arrested and placed in Juvenile Hall for six months where they were given psychological counseling, released, and placed on probation for one year.

What do you think?

1. What is fair or unfair about each response to the wrong or injury described?
2. What values and interests, other than fairness, are important to weigh in choosing a proper response to a wrong or injury?

What is the need for corrective justice?

In all societies there are situations in which one individual or group wrongs or injures another. In some cases the wrong or injury may be accidental and in other cases intentional. Since the earliest civilization, human beings have felt that if someone commits a wrong or causes an injury to another, things should be set right in some way. Ideally, this would mean restoring things to the way they were before the wrong or injury occurred. In some cases this may be possible, but in most cases it is not. For example, one cannot restore a life. Since it is not always possible to restore things to the way they were before, people have developed other ways to respond to wrongs and injuries.

Corrective justice is concerned with fair or proper responses to wrongs and injuries. Proper responses to wrongs and injuries may vary widely. In some instances, one may ignore what has happened, forgive the person causing the wrong or injury, or use the situation to educate the person to prevent a repetition of the event. In other situations, one might wish to require a person to compensate in one way or another for a wrong or injury done to others. In some instances, courts of law may punish wrongdoers by fines, imprisonment, or even death.

The most desirable or proper response to a wrong or injury may not satisfy our need for corrective justice in some situations, but it may serve other purposes such as the wish to forgive or pardon a person or to deter or prevent further wrongs or injuries. For example, if a friend with little money accidentally broke something you owned, you might not want to ask the friend to replace the object or compensate you for the loss. You might expect an apology, however.

Corrective justice has one principal goal—the fair correction of a wrong or injury. Additionally, we may want to prevent or discourage future wrongful or careless conduct by teaching a lesson to the wrongdoer or by making an example of him or her. Thus, the purposes or goals of corrective justice are

- **correction**—providing a remedy or imposing a penalty to set things right in a fair way
- **prevention**—responding to wrongdoing in a way that will prevent the person from doing wrong again

- **deterrence**—discouraging people from committing wrongs and causing injuries, for fear of the consequences

Correction, deterrence, and prevention are essential to the very existence of society. Without efforts to serve these goals, disorder and chaos may result. Ensuring proper responses to wrongs and injuries is important not only with regard to criminal behavior and civil matters but also in families, schools, and other areas of the private sector. Of course it goes without saying that one must first determine who should be considered responsible for a wrong or injury before evaluating what the proper response would be.

What do you think?

1. Make a list of the most common responses to wrongs or injuries that you have observed.
2. What are some situations in which a response to a wrong or injury has been fair? Why was it fair?
3. What are some situations in which a response to a wrong or injury was unfair? Why was it unfair?
4. What might happen in a family, school, community, or nation if no attempts were made to provide fair responses to wrongs or injuries, or to deter or prevent them? Why?
5. In what types of situations might it be right to let a wrong or injury go uncorrected, but still do something to make sure such wrongs or injuries do not occur again?

Do you think assigning community services to persons convicted of minor offenses is a fair response to a wrong?

