Thankfully today lynch mobs are very rare, but this does not mean that such activities do not take place. There are modern day examples throughout the world, such as in India, in August 2004, where over 200 women gathered together to claim justice for rape victims. Below are excerpts taken from the Guardian newspaper’s report of the event concerning a man who was hacked to death in the courthouse by women he had (allegedly) raped.

At 3pm on August 13 2004, Akku Yadav was lynched by a mob of around 200 women from Kasturba Nagar. It took them 15 minutes to hack to death the man they say raped them with impunity for more than a decade. Chilli powder was thrown in his face and stones hurled. As he flailed and fought, one of his alleged victims hacked off his penis with a vegetable knife. A further 70 stab wounds were left on his body. The incident was made all the more extraordinary by its setting. Yadav was murdered not in the dark alleys of the slum, but on the shiny white marble floor of Nagpur district court. Laughed at and abused by the police when they reported being raped by Yadav, the women took the law into their own hands. A local thug, Yadav and his gang had terrorized the 300 families of Kasturba Nagar for more than a decade, barging into homes demanding money, shouting threats and abuse. Residents say he murdered at least three neighbours and dumped their bodies on railway tracks. They had reported his crimes to the police dozens of times. Each time he was arrested, he was granted bail. But it was rape that Yadav used to break and humiliate the community. A rape victim lives in every other house in the slum, say the residents of Kasturba Nagar. He violated women to control men, ordering his henchmen to drag even girls as young as 12 to a nearby derelict building to be gang-raped. In India, even to admit to being raped is taboo, yet dozens of Yadav’s victims reported the crime. But the 32-year-old was never charged with rape. Instead, the women say, the police would tell him who had made the reports and he would come after them. According to residents, the police were hand-in-glove with Yadav: he fed the local officers bribes and drink, and they protected him. But his death has not brought the women peace. Five were immediately arrested, then released following a demonstration across the city. Now every woman living in the slum has claimed responsibility for the murder. They say no one person can take the blame: they have told the police to arrest them all. But it is Narayane who is in limbo as she waits for her case to be heard. ‘After the murder, society’s eyes opened: the police’s failings came to light. That has irritated them. The police see me as a catalyst for the exposure and want to nip it in the bud.’

(Guardian 16 September 2005)

It is interesting to explore the way in which different countries perceive vigilante behaviour, or even what constitutes vigilantism. In Britain, for example, when Tony Martin shot and killed a burglar and injured the second, he was charged with murder (later reduced to manslaughter) and imprisoned. While there has been debate in Britain as to whether this was a ‘just’ punishment, he has spent many years in prison. In the United States many people keep guns in their home for self-defence and protection from intruders – this would be illegal in Britain. This brings into question how the rights of the citizen and the rights of an intruder should be balanced. Should citizens have the right to protect themself and potentially kill an intruder?

One of the many problems with vigilante groups is that the accused are unlikely to be given a fair trial or chance to legally defend themselves. The punishment is delivered without arrest, detention, trial or appeal. There are examples of cases throughout history where people have or could be accused of almost anything (e.g. witchcraft): in fact, whatever is socially undesirable at the time could be a target of vigilantism. It is this punishment aspect of vigilantism that often hits the headlines, and which is the most common feature of vigilantism in most people’s conception. However intimidation or the threat of violence can also have a severe effect upon the accused.

One aspect of criminal victimization that is often overlooked is the amount of emotion involved. Being a victim of crime, or having a friend or family member who has been criminally victimized can provoke a huge amount of emotion about the wrongs committed against them, prompting some to take justice in any way they can. However, it may be questioned whether vigilantes gain justice or revenge. And does it matter?

cross-cultural punishment.

As noted above, punishment often reflects the prevailing culture, norms and attitudes in a society. For example, punishing the body in order to punish the spirit was originally the basis of corporal punishments, but within Western cultures this moved towards punishment of the mind through imprisonment (Foucault, 1991). Imprisonment as a form of punishment is found in many cultures. There are a number of different ideas behind why imprisonment may be a good punishment. It can be argued that depriving offenders of freedom illustrates that by breaking society’s rules then you are removed from that society and are not able to take part and do the things that citizens take for granted. Imprisonment also means that the offender is unable to offend against the rest of society, known as ‘incapacitation’, though the offender may continue to offend in some way while in prison (e.g. assaulting other prisoners, drug taking etc.).

One topic that is often debated is whether the removal of freedom is enough of a punishment or whether the conditions in prison should also be as harsh as possible. The idea behind this is that if prison is made into a really horrible place to be, then offenders will not want to go back and so will not reoffend. However, it may well be that offenders just learn how to commit future crimes to minimize the chances of being caught. It is also often felt that offenders should be made to suffer while imprisoned and should not have luxuries. This suggests that the removal of freedom is not enough, particularly for crimes against children, sexual crimes or murder, and certainly that prison should not be seen as an alternative home setting.

In some countries the notion of keeping people in prison is taken one step further with the execution of offenders. Again, this is thought to serve a number of purposes. It not only means that offenders are no longer able to offend, it may also deter other people from offending in that way if they know they could be executed, and in some countries (e.g. the USA) it is seen as an element of closure for the victim’s families and follows the ‘eye for an eye’ idea of retributive justice.

The number of countries which have capital punishment is decreasing. The USA is alone in Western countries in retaining the death penalty. Countries within the European Union are generally bound by the European Convention on Human Rights which stipulates that the death penalty is not an appropriate punishment. Other countries which do have the death penalty include Singapore, Japan, China, Saudi Arabia and Iran. Of all the countries retaining the death penalty, the majority of executions in 2004 were carried out, in order of number of executions, in China, Iran, Vietnam, USA and Saudi Arabia (Amnesty International, 2005).

The types of crime which carry a death penalty differ. In the USA the death penalty is reserved for murder, in other countries it can be given for homosexuality, drug dealing or smuggling.

Methods of execution also differ. In the USA there have been moves to make executions as humane as possible. This has led to the change from hanging to the electric chair, to gas and finally lethal injection (though the humaneness of the lethally injected drugs is currently being questioned). The idea behind this appears to be that if the State is going to kill someone it should be done without torture and cruelty.

In other countries very different methods are used. In some countries beheading is considered a way of carrying out a death sentence because decapitation is felt in some cultures to be a method of execution which shows the skill of the executioner – this used to be the method of execution for the nobility in England. It has also been suggested to be quick and painless (this was the reason given for the development in France of the guillotine), but doubts about this led to decapitation being eliminated in many countries as stories emerged of moving eyes and lips on decapitated heads.

In Islamic cultures notions of punishment can be different from those in other cultures. The Islamic system seems to focus more on compensating the victims than punishing the offenders but is also about not alienating the offenders so that they are not lost to the community. Therefore, imprisonment is not generally used.

Islamic punishments are more personal because they are about a relationship between the offender and the victim. A number of Western cultures have started moving towards this notion of a relationship between the victim, the offender and the wider community, and compensation is seen in the Restorative Justice movement (discussed further below).

One method of execution often discussed in relation to Islamic Law is that of stoning, which is not used in many countries because it is often felt to be inhumane and painful for the offender. However, some advocates of the death penalty believe that pain- free capital punishment is no punishment at all and there have been calls within the USA to stop making executions painless.

modern punishment.

In an attempt to tackle current concerns about crime, a number of Western countries are changing how they deal with offenders. It has been argued that Western countries have become much more punitive, giving harsher penalties than thirty years ago. Part of this is a belief that the liberalist policies of the 1960s and early 1970s were not effective and that there is currently a crime epidemic, particularly with drug-related and anti-social crime. There is a tension between the belief that offenders can be in some sense ‘treated’ in order to prevent offending behaviour (for example, through the use of cognitive behavioural therapies) and the belief that offenders need to be punished and that the punishment alone should be enough to teach people. If the punishment does not do this, it is not harsh enough. This has led to a number of schools of thought about punishments.

The first is that punishment should also be about helping offenders to change the way they think about their crimes, about their victims and about offending in general. One method of doing this is through offender treatment programmes which are discussed in more detail elsewhere in this book.

However, some people think that this concentrates too much on the needs of the offender and not on the needs of the victim and of society. One method of trying to adjust this balance is by the use of Restorative Justice. It has been argued that current punishment does not require offenders to acknowledge (i) the consequences of their anti-social actions and (ii) their indifference to the needs of crime victims. This approach believes that victims are alienated from the criminal justice process because crime is defined as wrong- doing against the laws of the State. This is why, in Western societies, the State is generally responsible for prosecuting cases and not the victim. Supporters of restorative justice believe that the offender owes a debt to the victim, not just the State. This may involve mediation between the offender and the victim (or wider community), community work, written apologies or the payment of money to the victim. The notion of reconciliation is important as it is thought that the main way this works to reduce reoffending is to make offenders recognize that they have done wrong: if the offender is given the opportunity to show regret and be re-accepted into the community, this will benefit all (Easton and Piper, 2005).

However, some people believe that the current criminal justice process is too soft on offenders – there are often calls for prison sentences to be longer and harsher. This has led to developments such as chain gangs where physical labour is seen as an important part of the punishment. Newman (1983) argued that offenders should be given corporal punishment rather than prison, unless they were repeat offenders or their crime reached a certain threshold. Therefore, prison would only be for the worst kind of offenders. He argued that electric shock should be the preferred method of punishment and believed that the community should be responsible for the punishments, which should take place in public, and that the offender would be ‘redeemed’ rather than ‘rehabilitated’. This would also reduce the cost of prisons (because they were not being used so much) and give the community retribution by making offenders suffer physically for their crime. One of the bases of this view is that people choose to offend. This approach does not consider any of the criminological theories of offending behaviour (e.g. poverty, social structures, social influences and class). Newman (1983) believed that ‘Punishment must, above all else be painful’ (p. 6) and that ‘pain ... is a necessary condition of justice’ (p. 7). This is an interesting approach, particularly in response to the death penalty in the USA which some victims’ families think is over-humane as the offender does not suffer in the way that the victim did.

Shaming is also something that is currently considered as a possible way of making offenders (particularly young offenders) think about their actions and prevent them from offending in future, as well as deterring others. In the UK in 2005, a suggestion was made by a member of the British parliament that offenders on community service punishment should be made to wear distinctive orange uniforms. There was a general feeling within the public that community service was a soft option: the reasoning behind this suggestion was that it would enable the public to see what those on community service actually had to do. There was, however, an outcry amongst some members of the community who felt this was much more about humiliation and making offenders stand out within the community in a negative way.

Conclusions.

One of the interesting aspects about punishment is its use regarding crime changes across time and cultures. Punishments that were well thought of twenty years ago may now be considered obsolete. It is likely that some of the current trends in punishment will also be rejected in a few years time. Punishment is a constantly evolving aspect of society and is linked to thoughts about safety, the effectiveness of the criminal justice system and emotional responses to victimization. Consider your own responses to crime and punishment. Do you think being a victim of crime alters your perceptions as to how offenders should be punished? Do you think punishment should include rehabilitation or should it be solely about making the offender suffer? These are questions which all those involved with punishment have to consider and are issues being researched by criminal psychologists.