

# Free why should crime be punished argumentative essay sample

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“ All punishment is mischief; all punishment is itself evil”. This is a famous quote by Jeremy Bentham, famous British jurist and philosopher. Bentham died in 19th century. So is it expediency to think so nowadays when it is already 21st century, when material and spiritual values have changed? Things that used to be immoral back in 19th century are common today in our modern world, so can this quote be considered practical?

One will say that crime should not be punished as they do not separate such things as “ punishment” and “ crime”. These two words are equal to such people as in both cases damage is caused. Other people believe that people who commit crimes should be punished and this is crucial for offenders to be responsible for what they have done. However, there are many various reasons for why should crime be punished.

First of them is retribution which is very similar to the concept of revenge. Immanuel Kant in his works also focused on the principle “ eye for an eye” which is considered to be a part of retribution axiom. The difference between retribution and revenge can be found in the aims - the goal of retribution is punishing the offender and the intension of revenge is getting even with the offender, “ getting back at him” (Posner, 1980). Retribution means that the severity of punishment should meet the gravity of the committed crime, that it should be equal to the felony. The role of retribution can be shown as the society’s vengeance towards the criminal, meaning that the criminal offender must suffer as much as the victim has (Macionis, 2011). So, basically, it means that the gravity of punishment must depend on the caused harm and the culpability. Criminal law exists in order to punish people who are guilty in committing crimes and it is meant to correlate the

seriousness of the crime with the severity of the punishment.

However, let's think if it is real to enact "eye for an eye" punishment. On one hand, this is a good way of punishing a criminal and teaching him a lesson, making him feel the way he has made to feel his victim. But it is not always possible to do that. It is clear that the revenge concept means that murderer should die. But what should the punishment be to the people who steal or rape? It is hard to resolve this issue. Nonetheless, thieves can be punished with cutting their arms off as they won't have the opportunity to steal in future. All in all, revenge should be used only in situations where it can be applicable.

The second reason why should crime be punished is deterrence. The main goal is to reduce the number of committed crimes. It is important to determine whether severity or certainty of a punishment deters the criminals most. Many scientists support the theory that it is severity that prevents criminals to commit crimes as the possibility of capital murder or even incarceration will deter crime and offenders will think about the consequences of their acts. However, the researches show that certainty of the punishment has better effect. When person is incarcerated he is locked out of society – the person loses his ties with family, employer and friends. This will lead the criminal to committing more crimes as he will simply have no money, no support and "nothing to lose".

Enlightenment's idea is about reducing the number of crimes with certainty of punishment – if people are sure they will be punished for their acts then will not commit them as often. Crime is considered to be a social disruption, because instead of "eye for an eye" concept society begins to control the

severity of punishment and it becomes more rational as there is no importance to send someone to death because of stealing if it is possible to prevent person from committing further crimes by locking him up in prison (Macionis, 2011).

The next reason is social protection. This is considered to be a modern approach which is shown in separating the two sides – society and the criminal. The goal of this is protecting the society from possible further damage. It is considered that if a person commits crime he should have no right to live in a normal society. It is quite useful as at the same time it prevents the criminal to commit a new crime and also protects the society from the people who may infringe on their interests and rights.

The fourth reason of punishment is rehabilitation. This method of punishing started its development in 19th century. Sociologists of that century believed that there were reasons behind committing different crimes. These reasons, according to the scientists, were poverty, poorness, bad influent and, of course, social inequality. People did not have equal rights and opportunities. And those who had fewer abilities were forced to commit crimes. The main principle of rehabilitation is that if one of the reasons for committing crime is bad influence then it is possible to use “ good influence” in order to reduce the percentage of recidivism. It is believed that it is possible to teach criminals to obey rules and to behave appropriately in future. The main aim of rehabilitation is to discourage criminals to commit more crimes.

Rehabilitation is close to deterrence but there is a difference. The goal of deterrence is to deter offenders from committing felonies. And rehabilitation is not about deterring, it is about changing criminal’s mind, attitude and

behavior so that he believes that committing a crime is a wrong act.

All in all, it is clear that crimes should be punished. However, there is a question that needs an answer. This question is about benefits: who gains more - criminal offenders or the society?

When a criminal spends some time in a prison both of the parties benefit. Criminals are deterred and discouraged from committing more crimes and the society is safe. However, there is another side. Few months or even years in prisons might not be enough for the criminal to think of his behavior. Furthermore, it can only make him angry and this will only push him to commit more crimes when he gets out. As written above the time spent in prison might be enough for him to lose the connections with family, and friends. So when he is free he will not have anything to do and this will urge him to steal money or food.

On the other hand, the society is safe when criminals are separated from them. But these are citizens who pay for incarceration of the criminals. Citizens pay taxes and these money are used for the imprisoning. Can this be considered as a benefit? It depends on what people value more - money or their lives.

In conclusion, it is worth mentioning that as many people live as many thoughts exist. So it is hard to pick one side as all of them have arguments “for” and “against”. However, there are four main aspects of punishing the criminals - retribution, deterrence, societal protection and rehabilitation. The main reason why crime should be punished is that all people should get what they deserve. It is crucial for people to realize the consequences of their

behavior because otherwise the society will be completely chaotic and it will be impossible to live in.

## **Works Cited**

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