

# Aristotle and mill on capital punishment

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Aristotle & Mill's Opinion on Capital Punishment  
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Capital Punishment is a moral

controversy in today's society. It is the judicial execution of criminals judged guilty of capital offenses by the state, or in other words, the death penalty.

The first established death penalty laws can date back to the Eighteenth Century B. C. and the ethical debates towards this issue have existed just as long. There is a constant pro-con debate about this issue, and philosophers like Aristotle and Mill have their own take on this controversy as well.

Aristotle is against capital punishment, while Mill believes it is morally permissible. Let me start off with Aristotle. In the Nicomachean Ethics book there isn't a chapter dedicated to his position on capital punishment, but as a whole, we get an idea of his position against it. For example when he says, "every state of soul is naturally related to and about whatever naturally makes it better or worse; and pleasures and pains make people base, from pursuing and avoiding the wrong ones, at the wrong time, in the wrong ways, or whatever other distinctions of that sort are needed in an account.

These bad effects of pleasure and pain are the reason why people actually define the virtues as ways of being unaffected and undisturbed by pleasures and pains. "(Book 2, 3. 11) Aristotle knows it's in people's nature to know right from wrong, and people strive to be virtuous because that is the highest good. Virtuous actions are what people strive for, however they sometimes do the opposite. These actions are called "vices" which can basically fall into the same category as "capital crimes" or "capital offenses" which are the crimes that can be penalized by death.

Aristotle believes that no matter how terrible a person acts, they have the potential to overcome it and become virtuous. Everybody has the capacity to do well and achieve happiness according to Aristotle. People achieve this happiness through their actions and decisions, and we make these decisions by reasoning. Aristotle's beliefs about human character are almost down to science. Everything we do has a reason why, and every living being has the capacity to reason. Some people reason to be virtuous but others are vicious and commit crimes such as rape, murder, and treason, etc.

Aristotle believes in punishing these heinous crimes, but more importantly, reforming those who commit these offenses through corrective treatments. He believes that since everybody has the capacity to be virtuous, that everybody has the capacity to reason and reform from mistakes. Aristotle would hate to see a person with such potential in life be sentenced to death just because of a bad mistake. He believes the one who did the crime still has a value in society and does not deserve to die.

In accordance to Aristotle's ethics, it would never be morally permissible to kill somebody who still has potential to be virtuous, no matter what circumstance. Aristotle believes vicious acts should be punished with fair and equal penalties. He has a whole theory on justice, which is where we get the basis of his ideas towards capital punishment. In his opinion, the death penalty can never be thought of as morally permissible because it is immoral, unconstitutional, and irrevocable. John Stuart Mill, on the other hand, does not share this belief.

He is in support of the death penalty for multiple reasons. A major topic Mill focuses on is human nature. He believes all humans know the difference

between what's right and what's wrong, but he thinks it's in human's nature to want to sin and break the law. People want to break the law just because it's there. That is part of being a human. Sinning is the wrong thing to do, while the right thing to do is whatever produces the most good. Whether people chose to sin or strive for ultimate ends of pleasure, they will be rewarded or punished for their decisions.

In Mill's Utilitarianism, he says " With many, the test of justice in penal infliction is that the punishment should be proportioned to the offence; meaning that it should be exactly measured by the moral guilt of the culprit (whatever be their standard for measuring moral guilt): the consideration, what amount of punishment is necessary to deter from the offence, having nothing to do with the question of justice, in their estimation. " (IV, 49) Which basically means that the punishment must fit the crime.

Mill has an " eye for an eye and a tooth for a tooth" standpoint. If a person commits a terrible crime, they are nowhere near reaching a desirable end, nor do they have capacity to be virtuous, as Aristotle would say. If somebody is guilty of murder, then life in jail is too mild of a punishment for the crime he committed. It goes the other way around too. If somebody is guilty of theft, then life in jail may be too hard of a punishment for that particular crime. Mill believes the only efficient punishment is one that is exactly equal to the crime.

He doesn't think a murderer should be allowed to live on with the potential to murder again. Another thing Mill focuses on is general responses among a society. He believes the only way to find desirable pleasure is to ask people and get a general response. So if you asked the family of a murder victim

what they would like to see happen to the murderer, a probable general response would be to have him sentenced to death as well, and that is exactly what should happen. We know that Aristotle would oppose capital punishment and Mill is in support of it.

Neither Aristotle nor Mill is right or wrong, both their ideas are just opinions of what is morally permissible. The thing about “morals” is that they can mean something different to everybody. They aren’t a part of human nature; morals are brought up through experience and surroundings. Aristotle and Mill lived in very different times. Perhaps Mill had a personal experience where he dealt with proper punishment, which could have shaped what he felt was fair or moral. The same can be said for Aristotle. Even today, the debate about capital punishment exists.

Many factors go into people’s side of the argument they’re on. Almost any argument can be shifted to support each side of the capital punishment debate. So you have to consider what was important in society during Aristotle’s lifetime around 330 B. C. and Mill’s lifetime in the late 1800’s. It’d be quite shocking if the two philosophers shared beliefs on this side since they are from two completely different worlds. Another thing to consider is the definition of “morally permissible”, because permissible doesn’t always mean right.

For instance, just because Mill believes it’s morally permissible to have capital punishment, that doesn’t necessarily mean he would kill every person he felt did something vicious. Neither Aristotle nor Mill is right or wrong, they just based their morals on their experiences. Aristotle’s main concern is virtue, and if a person has capacity to be virtuous, their life should never be

ended no matter the circumstance, whether they're ill, old, handicapped, or even vicious. Mill has the eye for an eye stand point and feels all punishment should fit the crime equally.

In today's society we see a little bit of both Aristotle and Mill's theories when it comes to capital punishment. It is not typically our method of punishment in our time, however it does exist if the crime is serious enough. Personally, I agree with Mill more on this issue, just because I think it's fair to get appropriate punishment, but like I said, it all comes down to the morals of the individual. What happens in the world around us shapes our values and morals. Opinions are never wrong, and neither are morals.