

Punishment under a utilitarian vs. retributive theory

Law



Conversely, the other side presents an equally convincing argument. For one, many offenders around the world do not have the exposure and luxury to understand and deal with the environment they live in. To add, an offender goes through several ups and downs during his life, which psychologically turns him into a law-breaker - so does he actually deserve retribution. Though this may jeopardize the act of beneficence, it is deemed necessary. After all, the true beneficence lies in the cure of the offender, and if this cannot be actualized at the end of the day, then the utilitarian process would have drastically failed.

The judiciary frequently ignores their offenders' wishes when they consider the appropriateness of punishment given. A complete shift from nondisclosure to mandatory disclosure without considering offenders' preferences may lead to serious harm to offenders who do not want to be given the punishment. When one has to subject an offender to retribution, the argument is given that it is for the benefit of the offender. It is also, purported that by giving the punishment, one would be able to present a scenario that is non-malicious. Withholding of punishment has integrally been taken as unwelcome over the years spanning human civilization. So it would go without saying, that if somebody is giving the punishment to the offenders, then the norm is being followed.

The purpose of punishment giving is not simply to enable offenders to feel bad about what they did but also to ensure that a certain form of rehabilitation is also taking place. The offender can be disturbed with certain facts that are disclosed to him about the punishment. It is also felt generally, that when people are not given their due share, then others' respect is being

jeopardized. More so in the case of children, they cannot be given the adult mode of punishment, because they simply have not developed the cognitive functions that would allow them to handle the situation at hand.

One can rarely understand, as to where the line of morality begins and ends. Rights have always been a soaring issue in any profession of the world, let alone law, wherein the target audience is mankind itself. International conventions, state laws, as well as local jurisdictions all around the world give immense importance to the rights that an offender might have. There are various concerns about the offender here. After all, it is the life of the person in question which is at stake, and he should be entitled to get every bit of leverage possible in the punishment.