

RMPS: Morality Religion & Justice



National 5
Dunfermline High School

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Mandatory Content

NATIONAL 5
<p>Non-religious Response (eg. Utilitarianism)</p> <p>Religious Response (eg. Literal, Liberal Christian)</p>
<p>Causes of crime:</p> <ul style="list-style-type: none">• Poverty• Environment• Psychological factors
<p>The purposes of punishment:</p> <ul style="list-style-type: none">• Retribution• Deterrence• Reformation• Protection
<p>UK responses to crime:</p> <ul style="list-style-type: none">• Custodial sentences• Non-custodial sentences• Crime prevention
<p>Capital punishment and life tariffs:</p> <ul style="list-style-type: none">• Humaneness• Human rights

Law and Justice



Laws give guidance about how to behave in society and justice is about punishing those that break these laws and protecting the good. In the UK, laws are made and passed by parliament and justice is given out by the courts. As human beings we need laws as they structure society and protect the weak from the strong. Laws provide us with a framework for what is and what is not acceptable behaviour. We also need justice as if the law does not give justice then people will start to take the law into their own hands. **St Thomas Aquinas** stated that an unjust law is not a proper law. **Thomas Hobbes** also stated that without laws life would be lived in continual fear and danger of violent death; and the life of man solitary, poor, nasty, brutish and short.

Christian View

Justice has been a key concept throughout Christianity. Christians believe God is just and rewards the good and punishes the bad. Christians do not believe that justice always comes straight away and state that the punishment or reward might come in the world beyond their present existence. They believe God wants the world to be ruled and run justly and focus much of their teachings on the idea of fairness. One way they believe you should show this is by sharing the earth's resources, for example, the removal of poor countries' debts and the guarantee of basic human rights. This message was shown throughout Jesus' teachings:



"Anyone who does not do what is right is not a child of God; nor is anyone who does not love his brother"

1 John 3:10

TASK

1. Explain why it is important to have laws in society. Give an example to back up your viewpoint.
2. What does justice mean? Why do we need it?
3. Outline the Christian views on justice.
4. *"All religious people should work for justice in the world"*
Do you agree? Give reasons for your answer, showing you have considered more than one point of view.
5. Think about the society we live in and write down ways in which we are protected in Scotland and how we ensure Justice.

Purposes of Punishment

In our society if you do something wrong you get punished. How serious the punishment is will depend on how severe the crime is. In Britain the main purposes of punishment are:

Retribution, Deterrence, Protection and Reformation.

It is argued that the punishment should fit the crime, if we don't have different levels of punishment then people are more likely to commit more violent crimes. If we were to hand out the same punishment for hitting someone and murdering someone, then more murders would be committed as you would have no incentive to not murder them as the punishment would be the same regardless.

The reasons why we punish remain the same whether or not it's for a serious crime. Think about:

- What is punishment for?
- Why do we punish people?
- What are the reasons for punishment?
- Are some reasons for punishment morally justifiable and others not? These are the questions we need to ask ourselves when looking at this unit.

Discussion point

Can you think of any situation where it might be wrong to punish someone for something they have done wrong? Think of:

- A person's reason behind committing a crime?
- Why have they turned to crime?

Purpose of Punishment - Retribution

Retribution has two main meanings:

- **Revenge** – getting back at someone for what they have done. This usually makes us feel better if we feel we have been wronged.
- **Restoration** – making those who have committed a crime pay for what's been done in some way.



Benefits

Many people believe that revenge is a good reason to punish someone. If someone wrongs you or a member of your family it is human nature for us to want to get our own back. It can be argued that taking revenge restores honour and shows that you have courage and are proud enough of yourself or your family to defend yourself. This sends out clear messages that you or your family will not tolerate bad behaviour. It might also put others off from doing the same thing on another occasion. It sends out a clear message that there will be consequences for any action taken against you.

This has been part of our Scottish culture for a long time. If you look at a Scottish one pound coin you will find the words "*Nemo me impune lacessit*" which is the motto for Scotland. It means "*No one shall provoke me with impunity*" or "*Dinnae mess wi me pal*". Retribution therefore is inbuilt to our justice system. Some people argue taking revenge on someone is also a mode of survival for us as it helps our mental wellbeing to know that no one is taking advantage of us.

Retribution is also seen as a way of restoring balance in society. Many societies are based on restorative retribution and aim to make those who have committed a crime pay something back for what they have done wrong. In the UK this is one of the reasons that we have community service. Criminals are paying society back by doing something useful. However this form of punishment will not work for every crime. In some countries if a person kills someone they have to pay an amount of money to the victim's family to make up for the crime they have committed.



Drawbacks

There are however drawbacks to retribution, if we all take revenge where will this end?

There cannot be an endless cycle of revenge as this will eventually lead to greater problems such as resentment and hate campaigns. This has been shown in America where capital punishment is used as a form of retributive punishment. Mistakes are made and this leads to the criminal's family feeling vengeful. Revenge is just another way of saying "*he hit me first*". This child like attitude does not set a good example for others and many claim that having revenge as a reason for punishment is cold and calculating and does not do anybody any good nor does it solve the problem or help reduce the crime rate. It also sends out mixed messages to society, if you are telling someone not to do something and then do the same thing back to them in revenge you are only making yourself the same as the person who committed the crime in the first place.

Revenge is about making someone feel better, but does it really do this? Perhaps in the short term it might, but what about the longer term? Is it really a valid excuse to use revenge just because it makes others feel better? You could be causing pain to the family of those who wronged you, who are just as innocent of any wrongdoing as you were in the first place. Does this therefore make you any better than those who first committed the crime? Is it right to allow more people to suffer than is necessary? Just because revenge is part of our human nature does not make it right. What if you take revenge on the wrong person because the facts you were given about the crime were in fact incorrect?

Case Study

Albert Woodfox, who is an inmate at the Angola prison in Louisiana, was convicted in 1973 of the murder of a prison guard. No physical evidence linked him to the crime; the convictions were based on the discredited testimony of the only eyewitness to the murder – who was later shown to have received privileges, including a pardon, in return for his statement.

Despite his conviction having been overturned three times, once in a state court and twice by federal judge, Albert Woodfox remains incarcerated while he continues to attempt to contest his case. The state of Louisiana has appealed against every court ruling in his favour while the serious flaws in his case remain. The case is currently before the

federal appeals court. Should the court rule against him, it is likely that Albert Woodfox will die in prison.

Revenge can have serious psychological implications for the individual. For example: if someone stabbed you and you had the chance to do the same back to them would this really make you feel better? Would it allow you to move on? Many people's gut reaction would be to say yes, however you could be making the situation worse. You could do some serious damage to that person which could lead to them dying and would then put yourself in a worse position. What would this do to your state of mind?

Restorative retribution also has many moral implications. Who decides how bad a crime is? On what scale are they measuring this? Have they looked at all the circumstances surrounding the situation? Is all killing equally bad? Should all murderers be treated in the same way? This will not work in our society and is too simplistic.

Questions

Think about and answer the following questions giving valid reasons for your responses.

1. Some people say that criminals should be handed over to their victims or their family who should decide how they should be punished. Do you agree with this? Give reasons for your answer.
2. Have you ever wanted to get revenge on someone? Did you? Was it a good way to deal with the situation? If not, why didn't you take revenge? How else could it have been dealt with?
3. Look up the following two sources, Exodus 21:24-25, Matthew 5:38-39. Copy out and explain what they mean. Which one do you would work best in society today?



Christian views

Christians have mixed views on retribution, some traditional Christians base their opinions on the Old Testament which is very much based on the law of that time. The law was designed to keep society stable in difficult times. They wanted to be clear about what would happen to you if you disobeyed these laws and hoped it would act as a deterrence.

Those who follow some of the aspects of the Old Testament teachings are more likely to support retribution as they believe that people should pay for the crimes that they commit.

Those who follow the New Testament however are against using retribution as a form of punishment in the form of revenge, however they are willing to use it for restorative justice. Jesus encouraged his followers to be positive in their response to wrongs done.

“ You have heard that it was said, Love your neighbour and hate your enemy: but I tell you: Love your enemies, bless those who curse you, do good to those who hate you and pray for those who persecute you, that you may be sons of your Father in heaven. He causes his sun to rise on the evil and the good and sends rain on the righteous and the unrighteous. If you love those who love you, what reward will you get? Are not even tax collectors doing that? And if you greet only your brothers, what are you doing more than others? Do not even pagans do that? Be perfect, therefore, as your heavenly Father is perfect.” **Matthew 5:43-48**

It is hoped that by doing this it will avoid revenge spiralling out of control.

Jesus taught his followers to turn the other cheek, and example of this comes from South Africa during Apartheid. South Africa used to be run by the minority of whites, who treated blacks inhumanely. When Apartheid ended the Archbishop Desmond Tutu set up the **“Truth and Reconciliation Committee”** as he knew that it was inevitable that people would want to seek revenge on those who wronged them.

“It is not enough to say let bygones be bygones, indeed just saying that ensures it will not be so. Reconciliation does not come easy. Believing it does will ensure that it will never be. We have to work and look the beast firmly in the eyes. Ultimately you discover that without forgiveness, there is no future.”

Thanks to Desmond Tutu, a lot of bloodshed was spared. Restorative retribution was applied here as people said sorry and took responsibility for what they had done and promised to change for the better.

Secular Views- Humanist

The Humanist Association suggests that the best form of punishment is the one that works to reduce or stop crime. If retribution could be seen to do that, then they would accept it as a form of punishment. Humanists stress however that no two humans are the same and so to treat all people the same way is tricky. They do not support revenge because they believe that decisions about punishment should be unemotional and unbiased. They are also worried about the possibility of a mistake being made and revenge being carried out on the wrong person. They would support retribution if it was for making amends for what you have done by doing some form of community service. Humanists use the golden rule for most decisions in life (“treat others how you would like to be treated yourself”) however when it comes to crime and punishment they do not believe it always works. They also believe that the Christian idea of forgiveness and turning the other cheek also seem inadequate as it allows people to get away with too much. They believe you cannot apply the same rules about punishment to everyone in every situation. Humanists believe we should be aiming to have a solution to the causes of crime and this would then take away the need to punish.

Secular View -Utilitarian

According to Utilitarians, retribution is a valid reason to punish someone as it is a consequence of their behaviour and will bring about the greatest happiness for the greatest number of people. Criminals have upset the balance of society and should therefore pay for what they have done. They believe it will benefit society as it will set an example to others and make society a safer place.

In Scotland how do we use retribution as a form of punishment? If we give someone a fine then we are asking them to pay something back for committing a crime. This money is given to and used by the government to help victims of crime. When we give someone community service it requires them to give up their free time to work for others in the community. When someone is sent to jail then they lose their freedom, this is seen as a way of paying back for the crimes you have committed as you are no longer a threat to society. It is also society’s way of taking revenge on you in the hope that you will reform.

Questions

1. Explain the two forms of retribution.
2. Draw a table listing all the benefits and drawbacks of retribution.
3. Do you agree with taking revenge on someone? Give reasons for your answer.
4. Can retribution really make up for the crime committed?
5. Explain the difficulties in following Biblical teachings.
6. In what ways are the Humanist and Christian viewpoints about retribution similar/different?

Research task:

Look up the following websites to find out more information on retribution. The notes you take will be used in your essay.

http://www.bbc.co.uk/ethics/capitalpunishment/against_1.shtml

http://www.bbc.co.uk/ethics/capitalpunishment/for_1.shtml

<http://www.lectlaw.com/mjl/cl062.htm>

http://en.wikipedia.org/wiki/Retributive_justice

<http://www.leaderu.com/humanities/moralityofpunishment.html>

<http://law.irank.org/pages/9576/Punishment-THEORIES-PUNISHMENT.html>



Essay Question

“Retribution is not an acceptable reason for punishment”

Discuss two responses to this statement, at least one of which should be religious.

(8 Marks)

Fill in the spaces below with the main points of each groups view on **Retribution**.

RELIGIOUS

Christian

Humanist

NON-RELIGIOUS

Utilitarian

Purpose of Punishment - Deterrence

In simple terms deterrence is putting people off committing a crime by giving them examples of what will happen to them if caught. For example in Scottish schools before 1984 the belt was used for poor behaviour in class, this was thought to be a good deterrent as nobody wanted it to happen to them. The belt was usually given in front of the class to give out a warning to others about the consequences of poor behaviour. Deterrence as a punishment gives us an example of what might happen if we commit a certain crime, in the hope that we will avoid committing the crime, so we do not suffer the consequences explained.



Benefits

The benefits of deterrence are that people will avoid doing wrong things as they will be put off by the knowledge of what will happen to them when they are caught and punished. Deterrence is also thought to be a good form of punishment as the consequences are explained before the person commits the crime and not after (like retribution). If it works then deterrence will make society a better and safer place to stay. For example, crucifixion in Roman times.

Discussion Point

Think of some examples of forms of deterrence for doing things we shouldn't in our society.

Think of:

- School life
- Home life
- Work life

Do the forms of deterrence put in place work in the cases you have thought of?



Drawbacks

There are however drawbacks to deterrence as many people question the effectiveness of it. It is impossible to measure its effectiveness as we cannot measure how many people have been put off committing a crime due to deterrence. There is also evidence to show that countries which use deterrence use as a form of punishment do not have less crime than in other countries with less severe punishments. A 2012 report, by independent researchers at America's National Research Council of the Academies, found that states which used the death penalty had the same murder rates as those who do not use the death penalty. This shows that even although the common understanding is that the threat of the death penalty deters people from committing extreme crimes, it doesn't. A lot of crimes are committed in the heat of the moment and people do not stop to think about the consequences of their actions, for example most criminals work on the assumption that they will never be caught so the consequences do not matter. Deterrence, it is argued, does not work on hardened criminals because for them punishment is just a risk and it certainly would not stop them from committing the crime. Another problem with deterrence is that many think it is not moral or acceptable to punish someone to set an example, after all everyone's situation is different and crimes are committed for all sorts of reasons.



Religious views - Christianity

Christians would be cautious when using deterrence as a form of punishment as it could be argued that you are using people like scapegoats. Everyone should be entitled to the same fair treatment and by using them as examples for others you are taking this away from them. Punishing someone by using deterrence could also mean that you are not taking into account the needs of individual circumstances. For example, is there a difference between stealing because you are greedy, and stealing because you are starving and have no means to buy food? Deterrence might help to stop stealing in one of these cases but not the other, so what use is it? Criminals don't always think about what they are doing and so what use is deterrence? Christians promote the idea of, "turning the other cheek" (Luke 6:29). Christians do agree that the punishment must fit the crime but not exceed the crime, so you should not punish anyone too hard over and above the crime that has been committed. For

example, if a person steals from a shop they should be punished as they have done wrong, however their punishment should not be as harsh as a person who commits a crime that causes physical harm to someone.

Secular views – Humanist View

Humanists do agree with using deterrence as a form of punishment; however they acknowledge that you must make it clear that the deterrent value matches the crime that has been committed. You cannot use people to set an example to others. All punishments should be fair and should have looked at all the circumstances as no two crimes are ever the same.

But this still begs the question of the moral propriety of acting on our retributive impulses, even in the measured, judicially restrained compass of a courtroom. The desire to inflict suffering and death on those who knowingly take the life of someone we love may be natural, but that alone doesn't make acting on it just.

www.secularhumanism.org/index.php?section=library&page=clark_25_

Discuss in pairs, then as a class, what this source means.

Is the urge to make those suffer who hurt us, or our loved ones, just as we are the ones directly impacted by their actions?

Utilitarian View

Utilitarians would argue that if deterrence works then it is a good form of punishment because it will protect the majority of people and so benefit the greater good. However they too agree that the punishment should not go too far as then you are in danger of creating a greater unhappiness for society.

'It seems that consequentialism is unable to accommodate justice and rights. One well known case of this problem with consequentialism is that of a sheriff who frames and executes an innocent man in order to prevent a riot in which many innocent people would certainly be killed. Since the sheriff brings about more good consequences than bad consequences by framing the innocent man, consequentialism says that this is the right action to perform. However, an innocent man does not deserve to be punished. So, it seems, consequentialism does not accommodate justice. Since consequentialism is one necessary component in utilitarianism, it seems that utilitarianism does not accommodate rights.'

<http://www.newworldencyclopedia.org/entry/Utilitarianism>

Questions

1. Explain what is meant by deterrence.
2. How effective do you think deterrence is at putting people off committing crimes?
Back your answers up using at least one of the viewpoints you have studied.
3. Would the thought of prison put you off committing a crime?
4. Do you think it is justifiable to use other people's punishments to set an example?
5. What do you think is a more effective form of punishment, Deterrence or Retribution? Give reasons for your answer.

Fill in the spaces below with the main points of each groups view on **Deterrence**.

RELIGIOUS

Christian View

Humanist

NON-RELIGIOUS

Utilitarian

Purpose of Punishment - Protection

The aim of this purpose of punishment is to ensure the safety of the public from crime and wrongdoing. Once the criminal is either stopped or taken off the street then the protection of the majority is achieved.



Benefits

There are many benefits to this form of punishment as if the criminal is in custody then they cannot recommit the same crime and it might deter others from doing the same. The purpose of this type of punishment is not to do with the criminal but society as a whole. The consequences for the offender are of little significance as long as people are protected from further harm.



Drawbacks

The problem with protection as a purpose of punishment, is that it doesn't actually benefit in any other way, other than keeping the criminal in prison – until they are released. What is it actually doing to help reform the offender? How does it prevent others from doing the same? How long does this protection last? People who go to prison do not necessarily come out as reformed characters and often reoffend; in fact some times when they do reoffend it's with much more severe consequences due to what they have learned from fellow prisoners. Many people believe that using protection as form of punishment is wrong as no lesson is learned by the criminal. By not dealing with the causes of crime you are actually creating a greater problem for society in the long run. Spending a long time in prison can make people bitter and resentment has a long time to build up and fester. When the prisoner is released they may want to take revenge on society. Many people argue that protection is only a short term solution.

There are also many moral implications that arise from protection as a purpose of punishment. It is our duty to protect the weak of society, but who are the weak? The people who commit the crimes? Their victims? Why did the offender commit the crime in the first place? Had society let them down? Secondly what are we protecting society from? People commit crimes for a variety of reasons, some have bad upbringings, and others find themselves in a corner with no way out due to poverty, addiction or abuse.

While these factors do not excuse the crimes they have committed, many would argue that punishment as protection deals with the symptoms of the crime but not the causes, and is therefore a poor reason for punishing people.



Religious Views- Christianity

One of the main ideas in Christianity is that the weak should be protected. We need to protect innocent people from being harmed.

Learn to do good; seek justice, reprove the ruthless, defend the orphan, plead for the widow.

"Come now, and let us reason together,"

Isaiah 1:17

Jesus said that he associated with society's outcasts as a doctor is not needed where people are well, but only where people are sick.

"...Jesus said to them, "it is not the healthy who need a doctor, but the sick. I have not come to call the righteous, but sinners."

Mark 2:17

This tells Christians that we should be dealing with the causes of crime and focus less on punishing them as this will lead ultimately to a better society.

Perhaps if we protected the criminal from themselves in the first place we would not need to protect the innocent later. Christians would agree that the purpose of punishment was to protect society from further harm and that punishments needed to be more suited to the crime.

Secular views – Utilitarian View

Utilitarians view protection as a valid reason for punishment as if the punishment results in the protection of the majority then this will provide the greater good. There should be an element of fairness for the individual but in order to protect society, the individual may have to suffer as a consequence.

In Scotland we use protection in all forms of punishment:

Fines: These are there to protect people from harm and if they work they put people off committing the crime or from re-offending. However it is not always effective as if someone commits a crime due to poverty then this is simply making it worse for them.

Community Service: helps protect people from re-offending. It is hoped that by giving back to society it will allow the offender to see things differently, again this is not always effective.

Imprisonment: This is there to protect society, however it can also cause negative consequences as offenders build up resentment and could re-offend to get revenge. Offenders are also not being protected in prison as they often end up picking up more criminal traits by spending time with other criminals. The long term effects on society are therefore less likely to be positive.

Essay Question

“Imprisonment does not protect society; it is just a waste of tax payer’s money”

Discuss with reference to two viewpoints, one of which must be religious.

(10 marks)

Fill in the spaces below with the main points of each groups view on **Protection**.

RELIGIOUS

Christian View

Humanist

NON-RELIGIOUS

Utilitarian

Purpose of Punishment - Reformation



This is where the punishment is focused on helping the criminal to change. It teaches the criminal to learn from what they have done and persuade them not to re-offend. This is done in a number of ways, for example meeting the victim of your crime so that you learn about the harm of your actions to others. It might also be getting help for your behaviour, e.g seeing a psychologist to help you to reflect on your reasons for committing the crime. It could be offering the offender the chance to learn a new skill. By offering practical help it gives the offender an alternative to going back to crime once released from prison, thus giving them a fresh start and a better chance of gaining employment. In 2010, a report was published by the Scottish Government that showed that over 50% of Scottish male prisoners are illiterate. Of that 50%, over 36% of them were young offenders, who came from poor family backgrounds in areas of high deprivation. Helping them deal with this by offering education is seen as a positive step in helping the criminal to reform.



Benefits

There are many obvious benefits to this form of punishment if it works. It means criminals will not re-offend so this will save the tax payer money in the long run. It could also help others who are on the same troubled path by giving them a successful role model. People will also leave prison without the need to seek revenge.



Drawbacks

However there are also many drawbacks as it is very difficult to change attitudes of both the criminals and the public. Many believe it is a waste of tax payers' money to spend time and resources on criminals and feel that it could be put to better use helping the victims of crime. Others also feel that if prison is all about reformation then this will lead to our prisons being too comfortable. As prisoners get to learn a new skill while having three meals a day, there is a danger of more people wishing to commit crimes to end up in prison, as for some it sounds better than their current situation. Reformation does not work for everyone and many people believe that there is no point if you're just coming out of prison the same as you went in.

There are many moral implications of reformation as if people on the outside do not trust or do not believe they can change then it ends up being a waste for everyone. Perhaps the money spent on it could be put to better use, for example allowing the elderly extra money for heating their homes. However if it stops people re-offending and helps to cut crime in society then surely it is money well spent. It is true that people get to learn new skills whilst in prison that many in society do not get the opportunity to learn, but a prison is still a prison - you have no freedom and it can still be a harsh place to live no matter what kindness you are shown.



Religious views - Christianity

Christians support reformation as they believe everyone has the potential to become better people, there is no such thing as a lost cause. The Church of Scotland has even ordained ministers who are ex-offenders, who now make a positive difference in people's lives.

Task

Look up the parable of the lost son: **Luke 15:11-31**

Write a summary of the parable.

Explain how Christians could use this parable to support their views on reformation.

Secular views- Humanist View

Humanists support reformation as they believe that this is the most important purpose of punishment. Humanists believe all humans are equally capable of good and evil acts. They believe education and fairness in society leads to people being good and doing good deeds. If you are changing someone's life whilst in prison then they are less likely to re-offend.

Utilitarian view

Utilitarians would also support reformation as they see that this will lead to long term protection of society.

“..if he spoils his life by mismanagement, we shall not, for that reason, desire to spoil it further: instead of wishing to punish him, we shall rather endeavour to alleviate his punishment, by showing him how he may avoid or cure the evils his conduct tends to bring upon him.”

J.S Mill

Discuss as a pair, then as a class, what this source means.

Do you agree with Mill?

In Scotland, we use reformation as by giving a fine it is hoped you will change your ways – to avoid getting another one - however this does not guarantee to make you a better person. Community Service might also allow you a chance to reflect on your behaviour so that you realise what you have done wrong and become a better person. Being in prison can also lead you to change and take a new direction in life. Jimmy Boyle is an example of this, he used to be Scotland’s worst criminal in and out of prison. When he was eventually sent to Barlinnie, he discovered art and totally changed his life around. He since has helped to set up a series of youth organisations to help young people avoid the types of activities that resulted in his prison sentences.

Exam style question

Evaluate a religious view on reformation as the main purpose of punishment.

You should include two different viewpoints as part of your discussion. One of these must be religious. (8 marks)

Fill in the spaces below with the main points of each groups view on **Reformation**.

RELIGIOUS

Christian View

Humanist

NON-RELIGIOUS

Utilitarian

Causes of Crime

When deciding on what punishment to issue someone with, one of the most important things to consider is the intention behind the action – the punishment or the crime?

Discussion points

Discuss in pairs and write down your thoughts on the following:

- Are all crimes as bad as each other?
- Is killing someone always murder?
- Should all criminals be treated the same?



Cause of Crime - Personal Gain

This is when someone decides to take something for themselves which they have not earned. Most of us work for our money and material goods; however some people hold the view that they can take what they want, even with the risk involved in being caught. The gains are most likely to be financial, however it could also be killing a love rival, or taking out the competition. Committing a crime for personal gain seems straight forward on the face of it, however is it simply someone being greedy unwilling to work hard enough to support their lifestyle. We live in a society where there is temptation at every turn. Advertisements are on the TV, bill boards and magazines; it assaults us with the lives of the rich and famous, which makes it easy for us to see exactly what we do not have. Most of us realise that if we want a better lifestyle we need to work harder, however some people feel so pressurised by materialism that they fall into criminal activity. Perhaps we should be blaming society and not the criminal as it has created unrealistic aspirations for people. Personal gain is not easy to judge as there is a distinction between simple greed and need. If a young mum who cannot afford to feed herself or her two young children steals a loaf of bread so that her children do not go hungry, is this any better or worse than someone who steals a loaf of bread because it's a dare from their friends? Should we be considering the intention behind the action?

Case Study

Paul and Kerry Barker were left with £8 a week after paying rent, bills and repayments to a loan shark they had turned to after their benefits had been cut. In a desperate need for food to feed themselves and their children they resorted to raiding a locked Tesco compound for out-of-date food destined for the rubbish. Paul was taken to court for stealing the out-of-date food but he was given an absolute discharge by the judge who asked: "How are they supposed to live?"

Kerry revealed that Paul had to go back rummaging behind a supermarket in the early hours. She said: "We have no choice - we have not got enough to live on, and cannot afford to eat. We rely on out of date produce."

The Barkers have been forced to send their children Mollie-Mae, 22 months, and three-year-old Jayden Paul, to live with Kerry's parents in the Lake District. (May 2015)



Christian view

Most Christians would argue that committing a crime for personal gain is not a valid excuse. Christians often talk about "Do not store up for yourselves treasures on earth.... But store up for yourselves treasures in heaven" (Matthew 6:19-20). They are aware of the pressures and temptations of today's society however they feel that we should be tackling the imbalance in society so that there is no need to have more and engage in criminal activity. They would use the temptations of Jesus as a way of demonstrating how life is full of things we cannot always have and how we must resist temptation.

Task

Look up Luke 4:1-13

Write a summary of the temptations and explain how Christians could use this teaching today.

Secular view – Utilitarian

A Rule Utilitarian would believe that to commit a crime for personal gain is selfish and cannot be used as an excuse for criminal activity. The long term consequences of committing a crime would cause a greater harm to more people therefore would not be for the benefit of the greatest number of people. An Act Utilitarian however would look at each situation differently, as not all personal gain is for purely selfish reasons.

Fill in the spaces below with each groups view on Personal Gain.

RELIGIOUS

Christian View

Humanist

NON-RELIGIOUS

Utilitarian

Cause of Crime - Addiction

One of the main reasons people commit crimes is due to addiction. When someone has an addiction the cost of their addiction may be greater than the income they have. In order to fuel this addiction many feel the need to commit a variety of crimes to gain access to more money. The types of crimes usually committed by addicts are:

- Muggings
- House breaking
- Shop lifting

Addiction many feel is straightforward in the reason for crime; it is a greedy act; however addictions often happen due to circumstances often which are outside of a person's control. Many drug addicts for example often come from horrific family backgrounds, often including violence and forms of abuse. People usually become addicts at an early age as they find it is a way to numb the effects of their social circumstances. Who should we blame for their crimes: them for feeding their habits, their families or society for turning a blind eye to their troubles? It has been argued by some that addiction is in fact a cry for help, and that rather than punishing them we should in fact be helping them through rehabilitation programmes. If we treat the cause of the crime we would have less people committing crimes in the first place.

When you are addicted to something it can also be argued that you cannot be held responsible for your actions as often you are unaware of your actions. Most people are capable of make rational decisions; those who have addictions are not rational thinkers, everything they do is fuelled by their addiction.

Many people argue that using addiction as an excuse for crime is not valid as everyone is responsible for their own actions.



Religious views – Christianity

Christians often follow the phrase from one of St. Augustine's letters which translates into "With love for mankind and hatred of sins", or now better known as "hate the sin, love the sinner". Addiction in this case is the sin and the criminal is the sinner. Christian teaching

does teach that the punishment should fit the crime, however they believe with addiction it is not as simple as that as someone suffering from an addiction needs love and understanding, by simply putting them in jail you are ignoring their needs and not following the Christian belief of compassion. Christians also believe that addiction is a form of illness and we need to treat the actions of those who are ill differently from those who are not.

Secular view –Humanists

Humanists are all too aware of the social pressures and the desire to conform that many people go through. Family background and the environment in which you are brought up can all lead to addiction. As addiction is believed to be linked to pleasures in the brain it is believed to be treatable like any other psychological disorder. Humanists believe that in the short term, crimes caused by those who have an addiction need to be punished in an appropriate manner, they also believe that steps must be taken to improve the social background of people in general so that addiction ceases to be the way of responding to social problems.

Fill in the spaces below with each groups view on Addiction.

RELIGIOUS

Christian View

Humanist

NON-RELIGIOUS

Utilitarian

Cause of Crime - Poverty and Economic factors

Poverty interlinks with other causes of crime, as many people who commit crimes are those living in situations of dire need. Often those who are living in extremely poor conditions do not see the normal rules applying to them, as they feel they are unfair and often feel angry towards those in power, due to the social imbalance. The criminals convince themselves that it is alright to steal from someone better off than themselves as the rich would not miss it anyway, or can simply claim on the insurance. It is argued, poverty often motivates people to commit crimes not out of greed but out of need. They could be trying to support their loved ones the only way they know how. If your children are starving, then you might see crime as the only solution to your problem. This again, links back to the Paul and Kerry Barker case study on page 27. Their only option was to steal the out-of-date food in order to feed their family.

Many people claim that society should react differently to crimes committed out of need. The social background of someone should be taken into account when handing out punishments. Society should be working to solve the issues that led to the poverty in the first place, we should help and not punish.



Religious view – Christianity

“There will always be poor people in the land. Therefore I command you to be open-handed towards your brothers and towards the poor and needy in your land.”

Deuteronomy 15:11

Many teachings in Christianity are based on the use of wealth and the responsibility of all to ensure that everyone has enough for their needs in life. Christians believe in the Kingdom of God and believe that one of the ways they should work towards it is by working towards having a society in which everyone has what they need to live both spiritually and materially. Many of the early Christians had a lot of money and shared much of this with those who did not. Many converted to Christianity as they were seen to treat people fairly regardless of class. Christianity places great emphasise on helping the poor, therefore while committing a crime for economic reasons still needs to be punished, many Christians also believe that the punishment should take into account the circumstances which led to the

crime being committed in the first place. Christians try to act out of compassion and believe that we should always try to help those in need. Many Christians would say this is a good example of when using rehabilitation would work and that providing help in the form of retraining or developing a new skill would be of great benefit for society as it would encourage offenders to change their ways once they had paid back their debt to society.

Research Task

On your own, research Christian Aid or the Salvation Army, and find out the following:

- Who are they and what is their mission?
- How do they put the above passage from Deuteronomy into practice to help people in poverty?

Secular view- Humanist

Humanists believe that people need to solve their own problems in life as God cannot do it for them. Like Christians and Muslims, Humanists also believe that we should be creating a society that eradicates social imbalance, where no one has the need to turn to crime. We have to create a society where poverty and economic factors are no longer a motivation for criminal activity. This will require government intervention, changes in law and can only be achieved once individuals are willing to make the changes.

Fill in the spaces below with each groups view of Poverty

RELIGIOUS

Christian View

Humanist

NON-RELIGIOUS

Utilitarian

Cause of Crime - Environment

Crimes are often associated with the environment you grow up in. Those who experience crime in their own family at a young age are more likely to commit crimes themselves when they are older. The environment you grow up in helps you to develop and influences what character traits you have, it can lead us to be selfish, aggressive, calm and so on. The interactions you have with people growing up can also influence your future. Many people think that criminals are just bad people, while others believe they have just chosen the wrong path. How much control does the criminal really have over their actions? Is it learned behaviour? Is it the result of genetic inheritance? If this is how we are born can we really be held responsible?

Evidence has shown that over 88% of criminals come from under privileged backgrounds, which they have little chance of escaping in life due to the vicious cycle of lack of education and lack of expectation from family and society. Many have not had a supportive upbringing with little care and love. If they have been surrounded by criminal activity they accept it as the norm and are immune to its effects on society.

As they get older your parents' influence becomes less and instead you model your behaviour on that of people in the media and your group of friends. You may well have had a supportive family background but in your teens get in with a bad crowd which leads you to become involved in criminal activity.



Religious view - Christian view

Christians believe in a Kingdom of God, which is not a physical place but a place in your heart and mind, an ideal society. They believe that everyone should work towards creating it and they believe that by following the teachings and practices of Jesus they can do this. Christians believe that the Kingdom of God here on earth is all about establishing a society where crime is a thing of the past, no one would have an upbringing that was negative and led to crime. Families would be supportive of each other. However many Christians believe that we live in a fallen world where the consequences of sin may be crime. In order to reverse this they believe that people should follow the teachings and actions of Jesus. If we lived the life God had intended for us then crime would be a thing of the past.

Secular view – Humanist and Utilitarian

Humanists believe we should be looking to reduce the amount of crime by eradicating the social issues leading to it in the first place. A Utilitarian would agree with this to a certain extent as they would agree that by reducing the issues then less crimes would be committed and this would benefit the majority of people.

It was highlighted in the Guardian newspaper that we should be investing money into initiatives and schemes that will have long term benefits for young people.

“1% of the annual law and order budget could fund a comprehensive programme of pre-school support for up to one third of all children born each year.” Early intervention of this kind will not just reduce the risk of future offending but give young children being born today the chance of a better life...” **Sean Duggan 2009**

In another survey carried out, the National Fire Service were concerned to discover that a large proportion of those who commit arson in this country were the former victims of child abuse, while a survey of prisoners in Liverpool found that 80% of males and 90% of females had been abused in childhood.

Fill in the spaces below with each groups view of Environment.

NON-RELIGIOUS

Christian View



Humanist

NON-RELIGIOUS

Utilitarian



Answer the following questions in full.

1. What does it mean to say that someone commits a crime for personal gain?
2. What is the difference between need and greed?
3. Is addiction an acceptable excuse for committing crime? Give reason for your answer.
4. Why might someone who is poor commit a crime?
5. Should crime caused through poverty be punished in the same way as any other crime?
6. According to a Secularist, what part does society play in the causes of crime?
7. In your opinion, which of the causes of crime is the one which is the easiest to deal with?
8. In your opinion, which of the causes of crime is the one which is the most difficult to deal with?
9. How might a religious person respond to a crime caused as a result of drug addiction?
10. Describe two possible causes of crime.

Exam style questions – Answer one of the following:

- “All crimes are caused not by individuals, but by factors outside their control.”

Analyse this statement. (8 marks)

- “Some of the causes of crime need offenders to be treated, not punished”

Analyse this statement. (8 marks)

Research task:

Investigate prison conditions in Scotland-

- What are cells like?
- How are prisoners treated?
- How much free time do prisoners get?

Look at the USA, China or Iran – **compare it** with Scotland.

- What are the main differences?
- Are their conditions tougher? How?
- Which do you think is more effective? Why?

Show your findings in either a poster or leaflet.

UK Responses to Crime

Prison life in Scotland

Many people have criticised our prison system over the years for being too soft on criminals. Many argue that there is little to no incentive to go on the straight and narrow as life in prison has been too easy. Although some may say in Scotland the main forms of punishment act as a deterrent.

- When you get a fine it should deter you from carrying out the offence again as you want to keep your money. The main issue with this is that fines are not given on how well off you are, being fined £100 might mean nothing to a businessman but to someone who was unemployed or on income support it would mean something entirely different.
- Community service should again act as a deterrent as you are having to give up your free time and suffer the shame of having to do it, however many see this as an easy option and it is not harsh enough to put people off committing the crime.
- Imprisonment is considered the best deterrent as you are having your freedom taken away from you. However again this depends on the person. For someone who obeys the law, the thought of spending time in prison is enough to deter them from doing anything which will put them in there. But for people who break the law regularly and have already spent time in prison there might be less of a deterrent and see it as something they just have to risk. This has led many people to criticise our prisons as being too easy on the criminal and we needed to stop giving them luxuries such as TV.

Some people think in prisons, prisoners have many privileges that many on the outside do not get the chance to experience. The point of prison is to punish those who have committed a crime by taking away their rights.

In Scotland when someone is taken to prison they have their possessions taken from them and they are given a number, which is how they are referred to for the duration of their sentence. Prisoners who follow rules can earn privileges. This is called the 'Incentives and Earned Privileges Scheme'. A prisoner may be able to:

- get more visits from family or friends
- be allowed to spend more money each week

A prisoner who breaks prison rules is normally punished. They can be kept in their cell for up to 21 days, given up to 42 extra days in prison on top of their original sentence. The prison can take away privileges – e.g. removing a TV from a cell.

Prisoners have rights, including:

- Protection from bullying and racial harassment, being able to get in contact with a solicitor.
- Healthcare - including support for a mental health condition.
- All prisoners should be able to spend between 30 minutes and an hour outside in the open air each day.
- Prisoners can get specialist support - eg if they have drug or alcohol problems have HIV or AIDS, are disabled or have a learning difficulty.

During their time in prison, prisoners have the chance to improve their chances of having a better life once released as courses are normally available to help prisoners get new skills, e.g. learning to read and write, use computers and do basic maths. Most prisoners get an Individual Learning Plan listing their courses and training.

Many prisoners get the chance to work while carrying out their sentence, e.g. making clothes and furniture or electrical engineering. This is done in prison workshops and is normally paid work. Prisoners can also work around the prison itself - e.g. in kitchens and laundries.

Questions

1. Do you believe that the Scottish prison service is harsh enough on criminals?
2. Think about the five aims of punishment – which aim does imprisonment of offenders support most? Give reasons for your answer.
3. “Prison is just a school for criminals.” How far do you agree? Give reasons for your answer.
4. Prison is one form of punishment. Describe two others.
5. Explain the views of both a religious person and a utilitarian about prison.
6. What moral issues are raised by imprisoning a person for life?
7. State three advantages of putting people in jail.

History of Capital punishment in the UK

The UK used many methods of capital punishment including hanging, beheading and burning at the stake. This form of punishment was given for crimes such as witchcraft, treason and piracy.

Capital punishment was last used in the UK in 1964. James Hanratty was hanged on April 4th for murdering a man and raping and shooting his lover in a layby on the A6. However, there was not conclusive evidence for this and many felt that he was innocent of this crime. In 1965, the government made the decision to suspend the use of capital punishment for a trial period of five years. At the end of this period it was agreed to abolish it permanently for the crime of murder. Capital punishment was still available for the crimes of treason, piracy on the high seas and burning Her Majesty’s Shipyards. It wasn’t until 1998 that it was officially abolished and England got rid of its last gallows. Since 1965, many people have argued that capital punishment should be brought back for child murders, multiple murderers and terrorists. Since 1970, parliament has voted four times on whether to reintroduce the death penalty, and it has been rejected overwhelmingly each time. The UK decided to abolish the death penalty because there were growing concerns about miscarriages of justice, many innocent people ended up being executed.

In Scotland, executions used to be public events however, after 1868, they were moved to private prisons where witnesses were invited in to watch the executions. Scotland's last teenage execution took place on the 22nd of December 1960 at Barlinnie Prison Glasgow. It was Anthony Miller (aged 19) who was hanged for the murder of John Cremin. The final execution in Scotland took place on the 15th of August 1963 in Aberdeen. 21 year old Henry Burnett was executed for the murder of Thomas Guyan. Throughout the modern history of executions in Scotland only one woman was ever sentenced to death – Susan Newell. On the 13th of July 1955, Ruth Ellis was the last woman to hang in the UK.

Case Study Task

Collect and read the Ruth Ellis case study sheet and write a summary of the case describing some of the issues raised by the hanging.

"I am now completely composed. I know that I am going to die, and I'm ready to do so. You won't hear anything from me that says I didn't kill David. I did kill him. And whatever the circumstances, you as a lawyer will appreciate that it's a life for a life. Isn't that just?" Ruth Ellis 12 July 1955

Do you think that the hanging was a morally justifiable verdict? Explain your answer using at least one religious and non-religious view point. (10 marks)



Questions

1. What do you think were the benefits of the UK having capital punishment?
2. What do you think were the drawbacks of the UK having capital punishment?
3. Are there any situations where it would be a more acceptable form of punishment?

Case study 2 – Research Task: Timothy Evans

Collect, read and answer the following questions:

1. Describe the main issues raised in the Timothy Evans case.
2. Does the evidence found after the hanging cast doubt on Evans' conviction?
3. To what extent is Evans' own evidence reliable since he changed his story?
4. Since it was known that Evans was prone to exaggerating or lying about himself, and was illiterate, to what extent was he given adequate support during police examination?
5. If the Evans' case happened today what do you think the punishment would be?
6. Why do you think this and the Ruth Ellis case helped the UK abolish Capital Punishment?

Capital Punishment in the World Today

Capital punishment is still carried out in the world today in Middle Eastern countries, Africa, Asia and some states in the USA. Most countries only use it as a form of punishment for the crime of murder; however it can also be used for treason and piracy especially in the Middle Eastern countries.

There are many forms of capital punishment used these include: hanging, lethal injection, electric chair and stoning to death. The major issues with modern use of capital punishment are:

- How traumatic is it for the condemned person?
- Is it degrading or humiliating?
- Should it be a public or private affair?
- How humane is it?



Count 7 seconds in your head. During that 7 seconds look around the room and take in as much as you can. It is said that the brain stores enough oxygen in its blood supply for 7 seconds of consciousness after its blood supply is removed. When someone is beheaded it is unknown whether or not they have 7 seconds of consciousness after their head is removed from their body.

Capital Punishment today takes many forms these are:

- **Beheading**- the head is removed from the body by the use of a sword or an axe. Death occurs due to loss of blood supply to the brain. The death is usually instantaneous however often several blows are required depending on the skill of the executioner. This form of execution is still used in many Middle Eastern countries and is a public form of execution.
- **Hanging**- a rope noose is put around the neck and you are then dropped quickly, this causes the neck to break. If it is done properly the neck should break on fall, however if not calculated correctly death could be due to strangulation which can take up to 4 minutes to kill you and is extremely painful and distressing for the prisoner. This is another form of public execution that is still used in many countries around the world.



- **Stoning**- either large rocks are thrown at a person or they are laid in a pit and huge blocks of concrete are dropped on them one by one until death occurs (which is usually caused by either head injury or trauma to the vital organs). This is the cheapest way of executing someone and is used in many countries. This form of capital punishment has drawn a lot of attention as it is usually reserved for women for sexual or moral crimes.
- **Electrocution**- The person is strapped to a chair and a massive electric current is passed through the body. Death is caused by organ or heart failure. It should end a life quickly however witnesses often report that the victims take a long time to die and the flesh may catch fire and so death can be very painful. This form of execution is in the USA in a few states only. However the eight states that still use it only do so if lethal injection is not an option. (Alabama, Arkansas, Florida, Kentucky, Oklahoma, South Carolina, Tennessee and Virginia)
- **Gas Chamber**- A person is secured inside a sealed chamber and hydro cyanide gas is put into the chamber. Death is by a combination of damage to the cells and asphyxiation. Compared with other forms of execution this method is clean, however death can be slow and painful and death is thought to be violent.
- **Lethal Injection** – The person is strapped to a hospital bed and is then administered a tranquilliser, followed by an injection of lethal deadly chemical. Death is caused by heart failure. Many believe this is the most humane way to carry out an execution as the person is unconscious by the time the poison is injected. This is used in the USA but has been criticised as in some cases the executions have not gone to plan. As a result it was banned from being used earlier in 2014 in certain states until the drugs used are further investigated.



Questions

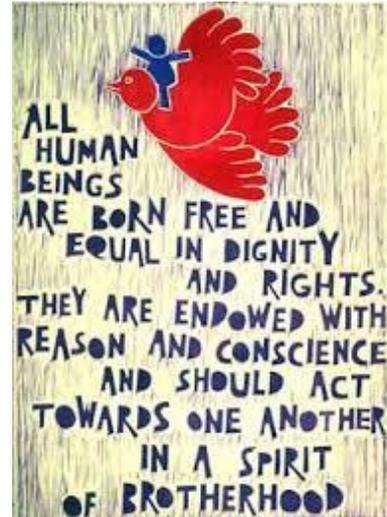
1. Choose two forms of Capital punishment. In your own words explain what each involves and discuss their advantages and disadvantages.
2. Which form of Capital Punishment do you think is the most inhumane? Explain your reasons.
3. If you had the responsibility for choosing which kind of Capital punishment to reinstate in the UK which would you choose and why?
4. Some people have often criticised the executioner and stated that they are no better than the person who committed the crime. Do you agree? Give reasons for your answer.

The United Nations View on Capital Punishment

United Nations Universal Declaration of Human Rights:

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.



The UN believes that although countries have the right to exercise their own systems of justice and treat crime as they see fit, they also still believe that all humans have the right to life; this should also include those who have taken the life of another. Countries should look at the punishments they are handing out and see if they fit into either the **barbaric** or **degrading** categories. The UN actively encourages governments to act humanely and fairly towards their citizens. This should also apply to criminals; if the form of punishment is degrading or barbaric then the UN is against it.

The UN does not intervene in the laws of a country; however there have been instances where they have felt it necessary to fight against execution in certain circumstances, for example when carried out against children or someone suffering from a mental disorder. The UN asks that a government asks the following questions about capital punishment:

1. Is it degrading, cruel, or inhumane?
2. Does it respect the dignity of the person being executed?

Questions

1. Explain why the UN is opposed to capital punishment.
2. Which of the methods of execution do you believe the UN would object to and why?
3. Do you think the UN is clear enough about their views on capital punishment?

Extension:

Look up the Universal Declaration of Human Rights and decide which other rights capital punishment breaks, explaining why you believe this.

Amnesty International



According to Amnesty International Capital punishment is the ultimate denial of human rights. It is the premeditated and cold-blooded killing of a human being by the state. This cruel, inhuman and degrading punishment is done in the name of justice.

It violates the right to life as proclaimed in the Universal Declaration of Human Rights.

Amnesty International opposes the death penalty in all cases without exception regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to kill the prisoner.

There can never be any justification for torture or for cruel treatment. Like torture, an execution constitutes an extreme physical and mental assault on an individual. The physical pain caused by the action of killing a human being cannot be quantified, nor can the psychological suffering caused by foreknowledge of death at the hands of the state.

The death penalty is discriminatory and is often used disproportionately against the poor, minorities and members of racial, ethnic and religious communities. It is imposed and carried out arbitrarily. In some countries, it is used as a tool of repression to silence the political opposition.

In other countries, flaws in the judicial process are exacerbated by discrimination, prosecutorial misconduct and inadequate legal representation.

As long as human justice remains fallible, the risk of executing the innocent can never be eliminated.

They say the death penalty:

- denies the possibility of rehabilitation and reconciliation.
- promotes simplistic responses to complex human problems, rather than pursuing explanations that could inform positive strategies.
- prolongs the suffering of the murder victim's family, and extends that suffering to the loved ones of the condemned prisoner.

- diverts resources and energy that could be better used to work against violent crime and assist those affected by it.
- is a symptom of a culture of violence, not a solution to it. It is an affront to human dignity.
- Should be abolished, now.

“The death penalty is a very convenient political alternative to real effective and difficult public protection and crime prevention programmes. It is a cheap way for politically inclined people to pretend to their fearful constituents that something is being done to combat crime”

J. Van Rooyen – criminal justice judge, South Africa 1991

Research Task

In pairs or small groups investigate capital punishment in one of the following countries: China, USA, Japan, Saudi Arabia or Iran

Produce a poster/leaflet/power point or presentation on the use of capital punishment, methods used, inhumane treatment of prisoners, amount of executions, and the crimes that are punishable by execution.

Use Amnesty International’s web pages to look for case studies, facts and statistics to back up your findings.

www.amnesty.org.uk/issues/Death-penalty

Benefits and Weaknesses of Capital Punishment



Benefits

Many people claim that living in an environment that allows capital punishment has many benefits, the main one being it puts people off committing crime. If you see someone being executed or know that execution is the likely outcome if you commit a certain crime then there is less chance of the crime actually happening. Capital punishment is therefore a good deterrent as it should deter people from committing crimes.

It also protects society as once a criminal is executed then they pose no more threat to society. Prison is not always the answer as many people once released reoffend and end up hurting other innocent civilians. When in prison they can also be a danger to other criminals and prison officers, if executed you take away that danger.

Capital punishment also saves tax payers a lot of money as prison is expensive. Capital punishment is a one off cost and many people believe it is the best option as then they do not have to support a criminal for the rest of his/her life. Why should innocent tax payers have to provide the money for someone who broke the law without a thought for others?

Capital punishment also sends a clear message that human life is valued by society. If you take someone's life then yours should be taken also. It makes society seem tougher.

Some people also regard the death sentence as more humane than a life sentence. There are murderers who have requested it – Gary Gilmore in the USA asked to be executed as he did not want to spend the rest of his life in prison.



Weaknesses

Those who are against capital punishment argue that it does not deter criminals from committing crimes. Countries that use capital punishment do not have fewer murders than countries that do not use it. Murders are often committed in moments of rage and the consequences are not given a second thought. Some criminals still work on the theory that they will not be caught anyway. Many people who commit murders are not well – they often suffer from a form of mental illness. Albert Pierrepoint who was responsible for more

than 400 executions in Britain between- 1934-1956, including Ruth Ellis, Timothy Evans and Derek Bentley stated that he did not believe that capital punishment was a deterrent:

I do not now believe that any one of the hundreds of executions I carried out has in any way acted as a deterrent against future murder. Capital punishment, in my view, achieved nothing except revenge.”

Once you have carried out the act of execution it is final and there is no going back.

Mistakes cannot be rectified and many innocent people die needlessly. Timothy Evans is an example of this.

Society believes that killing is wrong, capital punishment sends out mixed messages to society as you are killing a killer. Many people who are against capital punishment say that this sends society the message that some lives are more valuable than others. Many people who carry out murder come from disadvantaged backgrounds or are addicted to a substance that allows them to misjudge situations. Capital punishment is only dealing with the crime and not the root cause of it. Criminals are not bad people simply people who have done bad things.

When you kill someone through the use of capital punishment you turn them into a martyr. This can have serious effects on society today and instead of protecting them actually puts them in more danger. Many people would like to see terrorists executed as they believe it will protect others from harm, however when you do this you instantly make him/her a hero to their followers who then want to commit more crimes to get back at the government who in their opinion unfairly took a life.

Capital punishment treats all murders the same, it makes no distinction between killings carried out for protection or killings carried out in cold blood. Not everyone who carries out a murder is incapable of change, capital punishment does not allow for rehabilitation.

Capital punishment is violent and to many inhumane. It adds to the brutality of the world and sends out the message that taking someone's life is sometimes morally justifiable. It devalues humanity and could lead to some criminals being able to justify their actions.

Questions

1. Which arguments do you believe are the strongest, for or against capital punishment? Give reasons for your answer.
2. Explain what makes Albert Pierrepoint's statement so powerful.
3. Describe two possible benefits of carrying out high numbers of executions.

Essay question

"Life imprisonment is a more effective punishment than the death penalty"

Analyse this statement. (8 marks)



Albert Pierrepoints

Viewpoints: Capital Punishment

Utilitarianism

Punishment in general is justified by utilitarian's only insofar as it creates, a greater balance of happiness as opposed to unhappiness. Capital punishment is justified if it prevents the criminal from repeating the crime, or deters crime by discouraging other potential offenders, as both of these reasons add to the greater balance of happiness of society.

Jeremy Bentham argued that punishment was unnecessary if the offence was not likely to recur.

John Stuart Mill was in favour of capital punishment as he believed that life imprisonment was even worse than capital punishment because it was a long form of suffering whereas capital punishment was mercifully quick.



“...to deter by suffering from inflicting suffering is not only possible, but the very purpose of penal justice”.

John Stuart Mill, 1868

Mill did think capital punishment was right because murder was so in contrast to the idea of the greatest good for the greatest number. He did not believe it was a deterrent arguing that hardened criminals just accepted it as dangers of the job.

Italian philosopher Cesare Beccaria (1738-1794) said that capital punishment is not necessary to deter, and long term imprisonment is a more powerful deterrent since execution is transient. Many modern utilitarians also agree that society benefits more from life imprisonment sentences. Peter Singer was interviewed in a national review online on October 29th 2011, he was asked the question: “Is there any possible scenario that you could imagine sanctioning the death penalty? He responded by saying:

“Look, if someone came up with convincing evidence that the death penalty was a uniquely effective deterrent – let’s say that for every murderer who was executed, there would be ten fewer murders – then, as a utilitarian, I would have to accept the death penalty.... But as I read it, there just isn’t any such evidence. The evidence, if anything, seems to suggest the other way. Certainly, in the United States, the states that do not have the death penalty have lower murder rates than the states that do have the death penalty”

He then went on to say:

"I don't see other justifications for the death penalty. I don't see the point of punishment as being retribution"

The utilitarian views on capital punishment also raise two other concerns. Firstly the concern about the ratio of innocent lives saved per execution. Philosopher Adam Baedea highlighted that perhaps in the best possible situation, executing five of the most dangerous convicts will result in saving five innocent lives in the future. As the number of executions increases however, the number of innocent lives saved will not increase proportionally. Eventually, it may take one thousand additional executions to save only one additional innocent life. So, eventually it must be determined how many executions justify the saving of one innocent life. This is virtually impossible to predict yet utilitarian's would need this information to calculate the overall social benefit of capital punishment.

Secondly, critics of capital punishment sometimes argue on utilitarian grounds that the expense involving executions is substantially greater than the cost of life imprisonment. The costs of appeals and legal counselling are the principal expenses. Thus, the extra financial burden of capital punishment contributes to a greater balance of unhappiness than happiness.

Modern Utilitarians might agree with John Stuart Mill's view on capital punishment; however they would also acknowledge that a society that uses capital punishment today is ultimately not good for the majority. Too many mistakes can be made which cannot be put right after an execution.

Questions

1. Why did John Stuart Mill think that capital punishment was a poor deterrent?
2. In what ways are Mill and Singers view similar/ different?
3. Explain the main concerns that many people have with the traditional utilitarian view of capital punishment.
4. Do you believe life imprisonment causes more suffering than capital punishment?
Give reasons for your answer.

Exam style question:

Evaluate non-religious viewpoints on capital punishment. (8 marks)

Christian view



Christianity is both for and against capital punishment depending on whether you follow traditional teachings from the Old Testament or the modern ones of the New Testament.

Traditional

The Old Testament principle is *lex talionis*, this means “eye for eye” (Exodus 21:24-25) in other words whatever crime you commit you should have the same thing done back to you. If you take a life your life should also be taken.

“Show no pity, life for life, eye for eye, tooth for tooth, hand for hand, foot for foot”

Deuteronomy 19:21

It must be remembered that when the Old Testament was written most laws were laid out this way so that it would deter people from crime. The Old Testament allows executions for all sorts of crimes, some of which seem rather odd. These including the selling of a man and kidnapping.

The Bible teaches that the weak should be protected and the death penalty might be seen as a way of protecting people against criminals. It sends out the message that justice has been done.

Christians all agree that God will forgive the sins of people who are sorry and turn back to him. They believe that they must offer forgiveness to offenders and help them to reform. Nevertheless, society must protect the innocent and punish crimes. Some Christians say that you should hate the sin but love the sinner. Many Christians believe that punishments must, in the end, help people to reform and become the person God intended them to be.

Liberal

Many modern Christians are against capital punishment as they believe it does not act as a deterrent, but simply a form of revenge.

“never pay back evil for evil”

Letter of Paul to the Romans 12:17

Christianity is based on the concept of forgiveness and capital punishment therefore goes against this. It does not allow the criminal the chance to change or gain societies forgiveness. Even criminals are made in the image of God and so have the potential to change for the better. For many Christians reformation should be the main aim of punishment as it is an expression of love towards the criminal, they believe even murderers can change. There is often a large period of time between the criminal committing the crime and being executed. Many prisoners on death row do change completely, so much so that the person being executed is unrecognisable from the criminal they once were.

Other Christians also oppose capital punishment as they believe that only God should be allowed to take a life. Jesus taught his followers that you should not take revenge on someone who has wronged you.

"For you are all sons of God through faith in Christ Jesus."

Galatians 3:26

Christians also believe that we should not judge the actions of others as we are not perfect ourselves.

"Whichever of you has committed no sin may throw the first stone"

John 8:7

This source is taken from a teaching of Jesus where a woman was caught committing adultery, this was a clear cut case of someone who according to Jewish law should be punished. Punishment in this case was death. Although guilty of her crime, Jesus judged that all are guilty in some way. Therefore mercy must always be at the centre of justice, because we are all sinners and who knows when circumstances could bring around our fall into criminal behaviour.

The New Testament also states that:

"Do not judge, or you too will be judged. For in the same way as you judge others, you will be judged, and with the measure you use, it will be measured to you."

Matthew 7:1-2

Many liberal Christians believe that many of the teachings of the Old Testament are outdated and that Jesus' teachings are a better reflection on our society today. They believe that the "eye for an eye" argument is not in keeping with Christian values.

"You have heard it said, 'an eye for eye, tooth for tooth...' but I tell you, whoever is even angry at his brother has committed murder in his heart." **Matthew 5:38-39**

Jesus makes it clear that revenge is wrong as it is born out of spite and malice towards someone, not out of a desire for justice. In the Bible mercy and justice go hand in hand, God demonstrates this in the death of His own Son on the cross. Christ shows mercy towards sinners who deserve just punishment, by himself being punished in their place.

Many Christians also strongly believe in Hell in the after-life, where God will punish them for their sins. They wish to see capital punishment abolished, since life-imprisonment would give the murderer the opportunity for repentance.

Questions

1. Explain the two Christian views on capital punishment.
2. Describe what is meant by mercy.
3. In your opinion do you believe that the Old Testament is outdated in its teachings on capital punishment? Explain your answer.

Essay Question

Analyse a religious view of punishment with a secular viewpoint you have studied.

Task

Create a revision poster/ leaflet/ mind map that includes:

- The Christian view of capital punishment.
- Two secular views on capital punishment.
- Arguments in favour and against capital punishment.
- Statistics/ sources to back up your points.
- Your own opinion on capital punishment, stating which argument is the strongest and why.