

Punishment & Treatment of Criminals

Punishment can be used to 'get back' at someone for committing a crime, or to prevent crime in the future.

Criminals Have the *Right to Be Treated Fairly*

- 1) The European Convention on Human Rights gives the accused the right to have a fair trial. A trial is considered fair when it is carried out publicly in an unbiased court, and the accused has the opportunity to present their version of events. In the UK, the person is considered 'innocent until proven guilty'.
- 2) Being tried before a jury (a panel made up of members of the public) is not compulsory in the UK under the Human Rights Act, but many consider it to be one of the main ways to ensure a trial is fair.
- 3) If found guilty, the sentence given varies depending on the severity of the crime — these include prison and community service. Believers are often in favour of community service — it allows the offender to repay their debt to society yet still lead a normal life, which should help to ensure they don't reoffend.
- 4) In some countries corporal punishment and torture are forms of punishment:
 - Corporal punishment is when physical pain is delivered by e.g. beating or flogging the offender. It's not used in Europe.
 - Torture is illegal in the UK under the European Convention on Human Rights, but it is used as a punishment in some countries. Torture is often carried out to extract information or confessions from suspected criminals
 - Many religious people would say that torture goes against the sanctity of life argument — life comes from God and is sacred.
 - People who use situation ethics may decide torture is justified in some cases if the information it provides could save many lives.

Punishment can have *Various Aims*

Retribution

Some people think of punishment as a way of taking revenge on a criminal, of making them 'pay' for what they've done. Critics of this way of thinking argue that revenge doesn't put right the wrong — that it's better to look for a more constructive solution.

Protection

If a criminal is considered dangerous, this is the idea that their punishment should protect the rest of society, e.g. imprisonment. Not many people would disagree with this, but some would argue that you protect society best by reforming offenders.

Reformation

Punishment should aim to change criminals so they won't reoffend again — the idea being that nobody is inherently bad. Many religious people feel this allows offenders to repent and seek forgiveness from God for their actions. Programmes to reform criminals include counselling and giving them work in the community.

Deterrence

The idea that if a punishment is sufficiently bad in some way (e.g. expensive, embarrassing, restricting, painful) it will put people off committing the crime — they understand the consequences. Critics argue that people don't stop to think about punishment before they commit a crime, especially if they've taken drugs or alcohol, so deterrence doesn't work.

Christianity Supports *Fairness and Human Rights*

- 1) Christians believe people should be given a fair trial — which could be through trial by jury: "Speak up and judge fairly; defend the rights of the poor and needy" (Proverbs 31:9 NIV).
- 2) Jesus told people to look at their own behaviour before criticising others. In John 8, a woman who was accused of adultery was saved by Jesus when he said: "Let any one of you who is without sin be the first to throw a stone at her" (John 8:7 NIV). No-one did, and it reminds Christians that everyone sins.
- 3) Christians believe in treating criminals mercifully: "...if someone is caught in a sin, you who live by the Spirit should restore that person gently" (Galatians 6:1 NIV).
- 4) Christians think that criminals should be punished for what they've done in a just way, but some think that life in prison should be difficult in order to make offenders think twice about crime. Some think punishment should be "eye for eye" (Leviticus 24:20 NIV), so focus on retribution. Others believe they should "turn... the other cheek" (Matthew 5:39 NIV), and so look more towards reformation.
- 5) Many Christians don't support torture or corporal punishment because Jesus was against violence (Matthew 26:52), and many support human rights. Christians are particularly aware of the cruelty of physical punishment, as Jesus was beaten and made to wear a crown of thorns before his death.

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Islam & Judaism

There are many different views on punishments, but most Muslims and Jews believe in treating people fairly.

Islamic Law is Different to UK Law

- 1) Some Muslim countries have legal systems that are similar to many Western countries, but some use shari'ah. Shari'ah courts are different to UK courts. Juries aren't used — instead, the judge decides if the accused is guilty. Solicitors often aren't present — the accused represents themselves in court.
- 2) The Qur'an says that the punishment should fit the crime: "...an eye for an eye..." (Qur'an 5:45). But Qur'an 2:178 explains that the offender can sometimes compensate the victim financially.
- 3) Many Muslims believe in reformation, and punishment should give criminals the opportunity to see the error of their ways.
- 4) The Qur'an teaches that prisoners should be treated fairly:

"And they give food in spite of love for it to the needy, the orphan, and the captive" Qur'an 76:8

"Allah wants to make clear to you [the lawful from the unlawful] and guide you to the [good] practices of those before you and to accept your repentance." Qur'an 4:26
- 5) However, some argue that treating prisoners harshly can be more effective in reforming them. Some Muslims are against community service as they believe it's too easy and doesn't stop reoffending.
- 6) Shari'ah allows corporal punishment. The Qur'an mentions punishments such as whipping that are carried out publicly — the aim of this is to deter the criminal, but some believe this form of punishment can reform offenders too, and offers retribution. However, some Muslims believe corporal punishments are too severe, and don't respect the offender's human rights.
- 7) Most Muslims don't agree with torture, but some might allow it if it could prevent greater suffering.

Fairness is Important in Judaism

- 1) Human rights are important to many Jews, and Judaism teaches that offenders should be treated fairly:

"One witness is not enough to convict anyone accused of any crime or offence they may have committed. A matter must be established by the testimony of two or three witnesses." Deuteronomy 19:15 NIV
- 2) Fair trials are important in Judaism, and many Jews support having juries involved in trials.
- 3) In Israel, juries aren't used — the case is decided by one judge, or sometimes three judges. Solicitors defend the accused in court, and can help those arrested before they talk to the police.
- 4) Jewish people believe that punishment is important. They value punishment in terms of deterrence, protection and retribution: "When justice is done, it brings joy to the righteous but terror to evildoers" (Proverbs 21:15 NIV). But the majority of Jews also believe that punishment should give offenders the chance to reform.
- 5) The Torah says that the punishment should match the crime: "Anyone who injures their neighbour is to be injured in the same manner: fracture for fracture, eye for eye, tooth for tooth" (Leviticus 24:19-20 NIV). The Torah also explains that "Whoever sheds human blood, by humans shall their blood be shed" (Genesis 9:6 NIV). This might suggest that corporal punishment is appropriate, but many Jews are against it.
- 6) Many think the punishments set out in the Torah are too harsh — most understand "eye for eye" as meaning that the severity of the sentence given to the offender should be appropriate for the crime committed, rather than that violence should be used.
- 7) Lots of Jews are concerned about the condition of prisons and prisoners' wellbeing. Most disagree with torture, but some might argue that it's tolerable if the information uncovered could protect lots of people. Pikuach nefesh requires that Jews do all they can to save lives (see p.28).

Don't do the crime if you can't do the time...

Have another read of the last couple of pages if you want, then try out this exam-style question:
 Explain two religious beliefs about physical punishment. [4]

