
A humanist discussion of... crime and punishment

Humanist values

Humanists seek to live good lives without religious or superstitious beliefs. They use reason, experience and respect for others when thinking about moral issues, not obedience to dogmatic rules. They do not believe in a god who gives humans moral values, or in a life after death that will compensate for earthly suffering and reward the good, punish the bad. Humanists believe instead that we should make the best of the one life we have, and that moral values stem from human nature, experience and society. Humanists use their judgement based on a careful consideration of particular situations and the effects of moral choices on the happiness or suffering of the people concerned and the wider community. When deciding whether something is right or wrong, they weigh up the consequences of actions and the rights and wishes of those involved. Freedom and choice contribute to personal happiness and are important humanist values, as long as they do not interfere with anyone else's freedom, happiness, or security. Most crimes do just that - even so-called "victimless crimes" usually do have victims, though sometimes the harm done is spread very thinly amongst a large number of people. (In 1997 theft from shops in the UK cost £1.4 billion, and we all end up paying for this whenever we shop.) Humanists, who do not believe in divine justice, have a particular interest in human justice.

Why do laws exist?

Communities can survive and work efficiently, and increase the welfare and happiness of their members, only if the people who live in them accept certain rules and duties. Laws exist for the common good, to ensure orderly and secure societies, and can be changed when our ideas about what constitutes order and security change. In a democratic nation we should obey the law. If we think a law is immoral, we should work to change it.

Actions can be morally wrong without being illegal, and illegal without being morally wrong, but many actions are clearly both. We do not have to weigh up the pros and cons every time we are faced with a murder or a burglary. But societies do have to decide what to do with those who break the law, and there have been many different ways of dealing with crime over the ages.

How can we deal ethically with criminals?

Humanists generally find "Do as you would be done by", the "golden rule", a useful ethical principle, based on our knowledge of human nature and on our need to be treated well by others and to live harmoniously with

others. But when dealing with crime and criminals, it has to be admitted that the "golden rule" doesn't work very well - trying to apply the golden rule by imagining what we would want if we were burglars, would probably result in extreme leniency. But perhaps a burglar has forfeited his right to be treated according to the golden rule of reciprocity by not following it himself - when he steals he is not treating others as he would like to be treated. The Christian ethic of forgiveness and turning the other cheek also seems inadequate in the face of crime, and would, quite literally, allow people to get away with murder.

The Chinese philosopher Confucius seems to have got it right when asked what he thought of the principle of repaying injury with kindness. He replied, "With what then will you recompense kindness? Recompense injury with justice, and recompense kindness with kindness."

Maybe the best a criminal should hope for is to be treated justly: to have a fair trial, to be allowed to defend himself, and to be treated humanely while in custody. Although in the past it was quite usual, it does not now seem just to execute thieves, as the punishment is out of proportion to the crime. It does not seem fair to treat juvenile criminals as if they are adults, when we do not treat children as adults in other contexts, recognising their particular needs. Capital punishment, which is not used in Europe, is generally opposed by humanists because they think premeditated killing is wrong, even when carried out by the state, and because of the possibility of error and an irrevocable failure of justice. Treating criminals fairly also helps to ensure that innocent suspects are treated fairly.

Some attempts at a rational view

Fear of crime, encouraged by a sensation-seeking media, is a big issue in society, probably more common than crime itself. Crime does undoubtedly cause a great deal of suffering and unhappiness, but so do irrational fears about crime, which sometimes get in the way of sensible discussion of the issue. Crime is a major political issue, and everyone hoping to be elected has to appear tough on crime. The number and type of notifiable offences fluctuates from year to year and crime figures need very careful analysis - for example, do some crimes (such as rape, child abuse, domestic violence) appear to be rising simply because people are more willing to report them? Do crime figures fluctuate because the police change the ways they record them? Do crime figures rise when the number of young men rises? Do they rise in affluent societies just because there's more stuff around to steal? Street crime, violence, gangs, juvenile crime, murder, and theft, have always existed, and some crimes are actually less common than they used to be, for example murder has been declining steadily since the Middle Ages (in the 13th century it was 20 per 100,000 of the population, now it is 1 per 100,000).

The occasional politician who tries to discuss the issue coolly and rationally is often criticised for being "soft on crime". For example, people sometimes suggest that a major source of crime is drug addicts stealing to pay for their habit, and that curing and rehabilitating them, or decriminalising drugs so that they can be prescribed by doctors, might be the best way to deal with the problem. This is usually hailed as irresponsible and dangerous by the tabloid press. But everyone would be happier if there were less crime, and examining the options and their consequences for crime figures is surely the reasonable and responsible thing to do. Humanists, who believe in approaching moral problems rationally and in using evidence to help them to understand society and to make moral decisions, have to think about the purpose and usefulness of punishment. Slogans from politicians and media hysteria about crime are not nearly as useful as proper research into the causes of and cures for crime. Humanists are morally obliged to look favourably at any approach that works.

Some facts

- Prison doesn't work very well. Many inmates come out fitter and more skilled criminals - being locked up with other criminals must be boring and terrifying, but one way of passing the time and making friends is exchanging advice about how to commit crime and contacts. Recidivism - relapsing into crime - is common amongst ex-prisoners.
 - Capital punishment does not seem to deter murder - the US, which is one of the few democracies to retain capital punishment, has one of the highest murder rates in the world, at around 1 per 10,000 of the population (in Britain it is 1 per 100,000). Numbers of murders do not rise when capital punishment is abolished. US states with the death penalty have 50% more murders than those without.
 - Most criminals are young men from the lower socio-economic groups. More crime is committed in very unequal societies where some groups are discriminated against or feel that they have little to lose by embarking on crime (70% convicted criminals in UK are unemployed when they offend - but think carefully about this figure too: some commentators have argued that this is because crime is so profitable that they didn't need to be employed). Some criminal behaviour begins very young, particularly in sectors of society where it is tolerated, or even a source of status.
 - On the other hand, many unemployed people and people from relatively deprived backgrounds are honest and law-abiding - it would be useful to know why some people are like this but not others.
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What is punishment for?

- Is it *retribution*, "an eye for an eye", simply intended to hurt the criminal as much as he has hurt his victim? Those who argue for victims having more say in the sentencing of criminals appear to have something like this view of justice. Making the criminal compensate the victim for any loss is a form of retribution.
- Is punishment, particularly imprisonment, mainly intended to protect society from the criminal by locking him away?
- Is it a deterrent, intended to put other people off crime, or to put the criminal off re-offending after his release? This view of punishment could lead to very harsh punishment, because it might seem to be the most effective at deterring others, even if it did nothing for the person being punished. But no deterrent, however harsh, works if criminals do not expect to be caught.
- Is it meant to rehabilitate the criminal? Should we be reforming and educating criminals, so that they have something better to do with their lives and no longer want to commit crimes? Is this possible?

Questions to think about and discuss

- Is punishment all of the above, as many people think?
 - Can it be all of the above, when they cannot easily co-exist? Can, for example, very harsh punishment help to rehabilitate a criminal? Can education, training, and counselling, act as deterrents? Can a long prison sentence, removing the prisoner from family and society, prepare someone to become a useful member of society?
 - Does prison protect society well in the long term - does prison work? Home Office statistics in the early 1990s showed that 54% of released prisoners and 47% of those sentenced to community service were convicted again for crimes within two years. Does this mean that neither worked very well, or that community service worked better than prison? (Be careful - maybe those on community service were less hardened or less serious criminals.) Prison cost £1,119 per month, probation cost £105 per month, and community service cost £101 per month (figures from early 90s). Do these figures alter your opinion?
 - If we can't cure criminals, should we lock them away for ever?
 - How important is it to treat criminals fairly? Is the policy in some American states of "three strikes and you're out" (life sentences after a third offence, however trivial) fair?
 - 80% of prisoners are male, well under thirty, have failed to get any real education or qualifications and have little if any stable family background or upbringing. Nearly half spent some time in care. Their crimes are very often associated with drink, drugs or motor cars. If they are violent, it is mainly from stupidity," said Judge Tumin, HM Chief Inspector of Prisons, 1987-95. If these are the causes of crime, what are the solutions?
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- The proportions of ethnic minorities and Roman Catholics in prison are higher than the proportions in the UK population. Can you explain this?
 - Why do you think we in UK imprison more people than in other European states? Are they more law-abiding than us?
 - If scientists found a "gene for crime" should this alter our treatment of criminals? Is the Y chromosome (for maleness) a "gene for crime"?
 - If criminals are made by their environment and have had little or no choice, should this alter the way we treat them?
 - Have you chosen to be the person you are? What, if anything, prevents you from committing crimes?
 - How are you deciding your answers to these questions? What principles and arguments influence your answers?
 - How is the humanist view on this issue similar to that of other worldviews you have come across? How is it different?
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