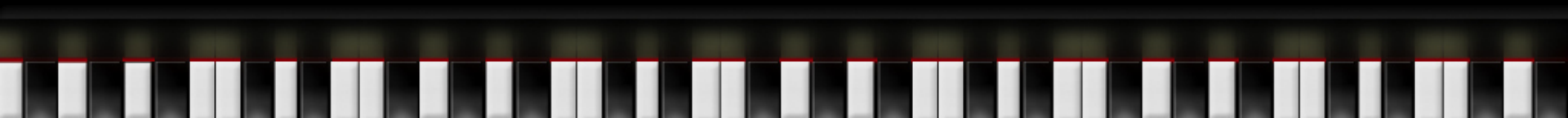


Crime & Punishment

Definitions, Explanations & Quotes

Prepared by Dr. Tommie Chen

7^h Jan 2014



Term 1 Overview:

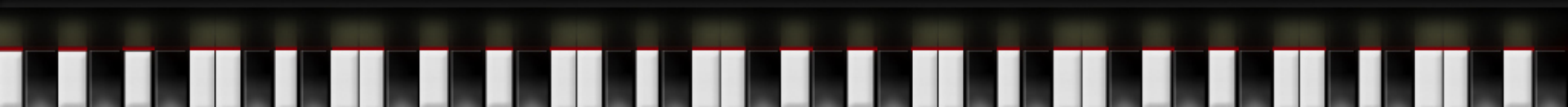
- ✓ All Resources/Lesson Plans to be placed on a dedicated Class Wikispaces homepage.
- ✓ All Newspaper Articles and Handouts will be placed on the Wikispaces homepage.
- ✓ **EL-Rep:** Please give me a softcopy of your class name-list with updated emails.
- ✓ You will need to bring your **Laptops/iPads** for EL Lessons.
- ✓ Term 1 Class Test: Essay (T1W6)



Term 1 Overview:

Possible Essay Topics

1. What do you consider to be effective means of keeping law and order in today's society?
2. Preferential treatment towards juveniles by the courts is justified.
3. Is capital punishment ethically acceptable?
4. Our mercy is become our crime (John Dryden, 1837). Are harsher punishments the answer to curbing crime?



Term 1 Overview:

Possible Essay Topics

5. When is it justifiable for protestors and activists to break the law for the sake of their cause?
6. How effective are prisons when dealing with crime?
7. Is punishing criminals all about exacting justice?
8. “The test of a civilised society is the way it treats its criminals.” Discuss.

Quick Recap:

What are the 3 Main Moral Theories?

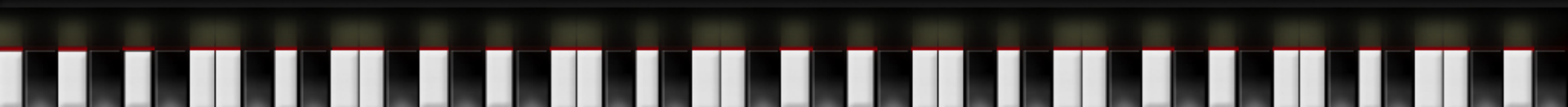
1. Kantianism
2. Utilitarianism
3. Ethical Egoism

(1) Kantianism

- # Acts out of a sense of *moral duty*.
- # Needs to **do the right thing** regardless of consequences.
- # Willing to **sacrifice one's interests** to do what is right.
- # One's morality arises out of personal reflection, **not influenced by external factors** (circumstances, other people etc).

(2) Utilitarianism

- # Acts to achieve the greatest happiness / good for the greatest **number** of people.
- # Emphasises the *consequences* of one's actions
- # Willing to do anything to achieve maximum happiness (**ends justify the means**).



(3) Ethical Egoism

- # Acts to further one's *self-interest* (what makes me happy, is good and beneficial for me)
- # Willing to do good only if the action **serves one's self-interest in the long run.**
- # **“Every person ought to do only what will further his/her own interests”.**

Some Food for Thought

- # What is a Crime?
- # How is a Crime defined?
- # What are the possible purposes of punishment?
- # Is there a difference between considerations of morality and fairness?
- # List Arguments FOR & AGAINST Capital Punishment.

What is a Crime?

- # Crime is a **violation of the criminal law**. No matter how indecent or immoral an act may be, it is not a crime unless the criminal law has listed it as a crime and provided a punishment for it.
- # In other words, crime is an act **defined by law** – and **not necessarily by morality**.
- # E.g. Theft vs. Adultery

2 Types of Crimes

1. Felonies

- Serious crimes – *e.g. murder, rape, robbery, housebreaking, kidnapping etc.*
- Usually tried at the **High Court**.

2. Misdemeanours

- Petty crimes – *e.g. minor cases of assault, vagrancy, begging, soliciting*
- Crimes in SG are listed in the Penal Code.
- Most Misdemeanours are tried in the **Subordinate Courts** (the Magistrate's Court or the District Court).

Punishment

- # It is the **penalty levied** on individuals for their misdeeds – usually for **breaching established standards of social behaviour**.
- # It involves the imposition of a penalty **by persons who possess authority** (not the exclusive province of the law).
- # It is designed to be **deliberately unpleasant**.



5 Possible Purposes of Punishment

1. **Incapacitation** – *a felon in prison cannot commit crimes while imprisoned. An executed felon cannot commit a crime ever again.*
2. **Deterrence** – *The Threat of Punishment Deters Would-be Offenders.*
3. **Rehabilitation** – *The punishment aims to change the felon **in preparation for societal integration** – might include mandatory vocational training, counselling, drug treatment etc.*

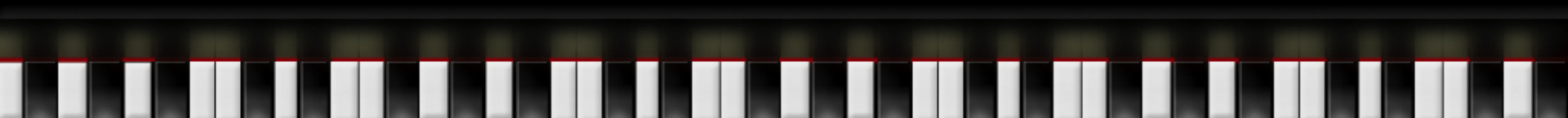
5 Possible Purposes of Punishment

- 4. Retribution** – based on the idea of *vengeance* - that society has the right to harm the offender in return (Are vengeful feelings morally appropriate?)
- 5. Restitution** – The Felon is required to take some action to repay the debt to society.

2 Theories of Punishment

Utilitarian Theory

Retributive Theory



Utilitarian Theory

Focuses on achieving Social Benefit.

1. **Deterrence** – an increase in **detection, arrest and conviction rate** is a greater deterrence to crime than a corresponding increase in the punishment (*Singapore is one of the safest places in the world to work/live in, no major drug syndicates etc*).
2. **Incapacitation** – **Removing dangerous individuals from society** in order to protect innocents from that person.
3. **Rehabilitation** – That Offenders can be “rehabilitated” into **productive members of society** (*Yellow Ribbon Project* – *criminals are seen as victims of social and economic circumstances – a significant shift from ‘lock & key’ detainment*).

Retributive Theory

- # Society has a **moral obligation to punish the guilty**.
- 1. **Assaultive** – Punishment is justified by the crime – **the criminal must suffer in proportion to the offence**. It is not necessary to look at the rights of the guilty or consider his best interests.
- 2. **Protective** – The guilty has benefitted from the crime and society has paid the price. Thus, **the guilty person owes a debt to society**.

The Benefits of Punishment

- # A Form of **Protection to Society** (**Incapacitation**)
- # A Form of **General/Individual Deterrence**
- # **Reinforces/Maintains Social Norms**
- # A Means of **Reformation/Rehabilitation** (**Assumes Behavioural Modification is possible**)
- # A Form of **Vengeance** (**Lawful Catharsis, “lex talens”** – When the wrongdoer has grossly underpaid, a score remains unsettled)

Key Terms

- # First/Second Degree Murder (**Intention**)
- # Voluntary/Involuntary Manslaughter (**Felony/Non-Felony**)
- # Homicide (**Umbrella Term**)
- # Self Defence (**Reasonable Force**)
- # Assault (**The Attempt/Capability**)

Key Quotations

- # Justice discards party, friendship and kindred, and is therefore represented as blind – **Joseph Addison**
- # The love of justice in most men is only the fear of themselves suffering injustice – **Duc Francoise de la Rochefoucauld**
- # I shall ask for the abolition of the punishment of death until I have the infallibility of human judgement demonstrated to me – **Thomas Jefferson**



General Discussion

Capital Punishment Survey

Some Food for Thought:

- *What crimes deserve capital punishment?*
- *Should executions be designed for maximal deterrent effects? E.g. Televised Hangings vs. Lethal Injection.*
- *Life Imprisonment (Costly & Pointless?) vs. the Death Sentence (Barbaric & Inhumane)*
- *Justice vs. Human Dignity?*

Sample of Routine Questioning in the Critical Mind:

- # *What is the most fundamental issue here?*
- # *From what point of view should I approach this problem?*
- # *Does it make sense to assume this?*
- # *What can I infer from this data?*
- # *What is the fundamental concept here?*
- # *Is this information consistent with common logic?*
- # *How do I check the accuracy of this information?*

The Observables of a Good COI

1. Participants build on each other's ideas

Clarifying, Paraphrasing, Extending.

2. Participants critique each other's ideas

Identifying lack of clarity, inaccuracy, digressions, logical fallacies.

3. Participants show respect and openness to each other.

Turn-taking, drawing others into the discussion, disagreeing in the appropriate manner, openness to changing a POV when a better argument is presented.



Tools in a COI: Question Categories

New Point

Qns on Viewpoints/
Perspectives

Clarification

Qns on Clarification, Reasons,
Evidence, Assumptions,
Implications, Consequences

Agreement/ Support/ Add-on

Qns about Reasons/
Evidence

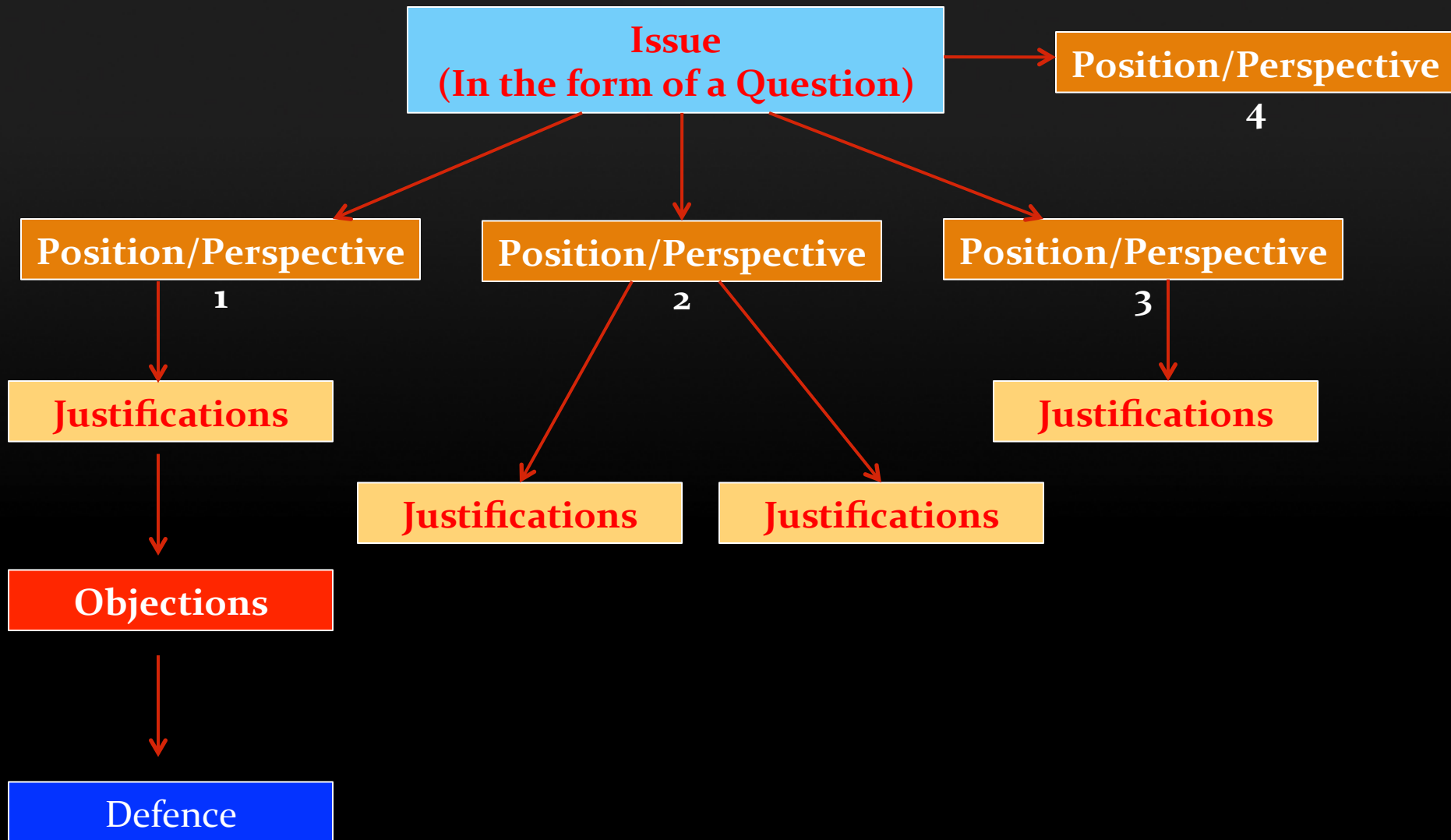
Disagreement Counter-Example

Qns about Reasons & Evidence,
Assumptions, Implications,
Consequences

Identify Digression

Questions about Questions

Tools in a COI: Argument Trees



Ethical Concepts & Principles

(Via Paul's Wheel)

Activity 1:

1. “Capital Punishment is a necessary evil”

Explain what ethical concepts and issues you have deemed relevant & why.

Note that you have to state your reasoning in detail.

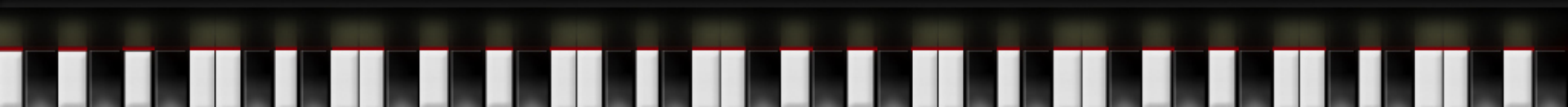
You have to be prepared to demonstrate that you have given serious thought to alternative perspectives.

Ethical Concepts & Principles

(Via Paul's Wheel)

3 Essential Steps:

1. Identify the **Ethical Concepts** relevant to the question *e.g. honesty, integrity, justice, equality, respect, violation of rights etc.*
2. Consider **Counter Arguments** (PoV)
3. Consider the **Relevant Information, Assumptions & the Implications & Consequences** of your final judgement.



NOW Your Turn

Prepare an Essay on:
“Capital Punishment is a necessary evil”

You will be writing the essay in class on Thursday (9 Jan).

