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Crime and Punishment *Definitions, Explanations and Quotes.*

Part 1: Crime

What is a Crime?

The best definition of crime is that given by Coleman and Cressey: "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." The point made here is that a crime is an act defined by law (and not necessarily by morality). If my family is starving and I steal a loaf of bread to feed them, I may have committed an act that you deem to be morally justified (or, at least, not immoral) but I have broken the law, the criminal law of Singapore. However, if a man leaves his wife and four children and runs off with his neighbour's wife, you would consider this to be a highly immoral act, but he has not broken the law. Neither adultery nor abandoning your family are criminal acts.

Crimes are categorised into *two types*, according to their degree of seriousness:

(1) *Felonies* (singular felony)

- are serious crimes; such as murder, rape, robbery, housebreaking, kidnapping, etc.,
- A felon is one who commits a felony
- Most felonies are tried in the High Court.

(2) *Misdemeanours*

- are petty or less serious crimes; such as minor cases of assault, vagrancy, begging, soliciting, etc.
- However, the distinction between a felony and a misdemeanour varies from country to country.)
- In Singapore, crimes are listed in our Penal Code. Most misdemeanours are tried in the Subordinate courts (the Magistrate's Court or the District Court).
- The word heinous when applied to a crime means 'very wicked' or 'evil'.

Part 2: Punishment

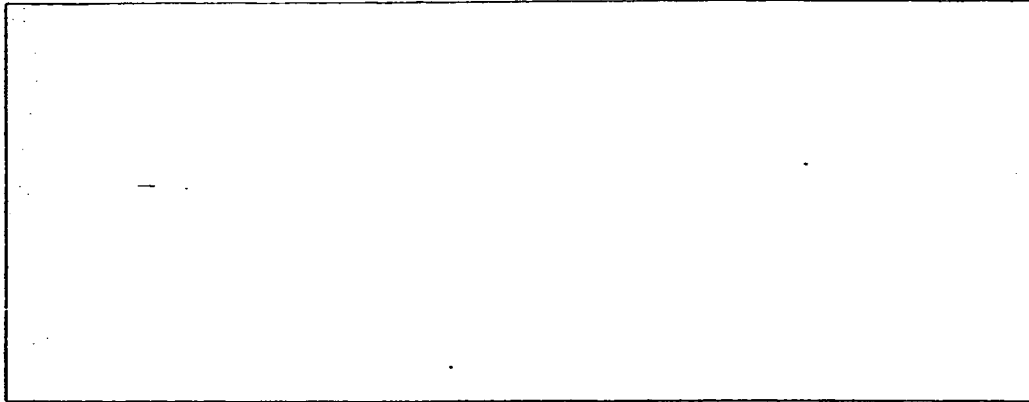
Definition of Punishment

Punishment is a penalty levied on individuals for their misdeeds. It involves certain conditions:

- the imposition of a penalty by persons who possess authority (Hence punishment is not the exclusive province of the law.)
- the punishment is designed to be deliberately unpleasant
- the punishment is meted to someone for breaching established standards of social behaviour

Purposes/Aims of Punishment

Draw a "mind map" of the different types of punishment you can think of below:



There are five possible purposes to the punishment of criminals:

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 people from engaging in illegal acts.
3. **Restitution:** The felon is required to take some action to at least partially return the victim to the *status quo ante*.
4. **Retribution:** The felon harmed society; therefore society (or the direct victims) is entitled to inflict harm in return.
5. **Rehabilitation:** The punishment changes the felon in order to make him a better citizen afterwards. (The punishment can include mandatory vocational training, counseling, drug treatment, etc.)

Theories of Punishment:

The above-mentioned can be sorted and re-categorized into two competing theories of punishment: the **Utilitarian Theory** and the **Retributive Theory**:

1. **Utilitarian Theory** – Focuses on achieving social benefit:
 - a. **Deterrence** – In general, it has been found that an increase in the detection, arrest and conviction rate is a greater deterrence to crime than an increase in the punishment.
 - b. **Incapacitation** – Removing dangerous individuals from society protects society from that person.
 - c. **Rehabilitation** – Offenders can be "changed" into productive members of society if given proper treatment.
 - NOTE: This may be a goal of punishment, but it is not a justification for punishment and in today's system, it has been all but rejected.

2. **Retributive Theory** – Society is under a moral obligation to punish a defendant who *deserves* punishment. It is wrong to punish the innocent and we must take steps to avoid doing so, but a guilty person *must* be punished.
 - a. **Assaultive** – Punishment is justified by the crime. It is not necessary to look at the rights of the guilty or consider his or her “best interests.”
 - b. **Protective** – The guilty has benefited from the crime and society has paid the price. Thus, the guilty person owes a debt to society.

Are There Any Benefits to Punishment?

1. Acts as a Form of Protection to Society

Punishment which takes the form of imprisonment protects society from such criminals as such punishment incapacitates the criminal such that he cannot commit the offence again.

2. Acts as a Form of General Deterrence

Punishment acts as a form of deterrent. Knowing the punishment that follows crime and seeing others punished will deter the general public from criminal acts even if they know that they may not be caught.

3. Acts as a Form Individual Deterrence

Punishment also deters the criminal himself from committing further crime as he has already borne the consequences of his criminal actions and he fears that if he repeats his act, he will be similarly punished again.

4. Reinforces Social Norms

Punishment plays a significant role maintaining social norms as it serves to reinforce how certain acts which transgress or violate accepted standards of behaviour is wrong and will be condemned.

5. Acts as a Means of Reforming Criminals

If punishment takes the form of rehabilitation eg. counseling or detention at reformation centres, then this helps to reform criminals. This view is based on the assumption that psychological therapy can alter the basic characteristics of the offender such that he becomes repentant. Reforming offenders may also take the form of providing appropriate training programmes for them to facilitate the individual's re-entry into society.

6. Acts as a Form of Vengeance

When a criminal is punished, the families of the victims feel that justice is served and this helps develop the victim's and their families' respect for the law. Punishment sanctioned by the state also cuts down the need for private vengeance when the victim may take matters in his own hands.

Quotes

"I never wonder to see men wicked but I often wonder to see them not ashamed."
Jonathan Swift

"In my judgement, one of the basic reasons we have had crime, lawlessness and disorder in the United States has been the breakdown of the family unit."
Robert F. Kennedy

"Justice discards party, friendship and kindred, and is therefore represented as blind."
Joseph Addison

"It is better that ten guilty persons escape than one innocent suffer" (i.e. that one innocent person be found guilty of a crime that he or she did not commit)
Sir William Blackstone

"The love of justice in most men is only the fear of themselves suffering injustice."
Duc Francois de la Rochefoucauld

"Jails and prisons are the complement of schools; so the less you have of the latter, the more you have of the former."
Horace Mann

"Ignorant people believe that if punishment is not severe enough crimes will increase. As a matter of fact, the reverse is true."
Jawaharlal Nehru

"I shall ask for the abolition of the punishment of death until I have the infallibility of human judgement demonstrated to me."
Thomas Jefferson

"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."

from a book by Coleman and Cressley, 1987

taken from Kenneth Lee, TPJC