Thoughts on crime and Punishment

What is crime?

Public acceptance of the definition of crime is vital if the state is to win public support for dealing with anti-social behaviour. In most Western countries, politicians lose sight of this and introduce far too many regulatory offences that are not well understood by the people and are often disliked and flouted. Most regulatory offences appear to be there to protect the majority from the anti-social minority but they are too numerous and the majority of people have little idea of what they are. It would seem sensible for schools to teach children about the law and what constitutes a crime so that at least people would know when they were committing or about to commit an offence. Equally, there are many regulations introduced by the government designed to protect society and breaking them is not always considered a crime by a lot of people for example a person driving slightly over the speed limit.

What is Punishment?

Punishment could be defined as the action taken by those in authority against those whose acts contravene regulations. By definition, punishment must be something that one does not want to happen to oneself and generally contains two elements - retribution and deterrence. Retribution is the idea that if you commit an offence, you must be made to suffer in proportion to that offence.

If punishment is to succeed in curbing offending behaviour, it must be both certain and of a nature that ensures that the individual being punished will not want to receive that punishment again, and that the person's peers take note of what has happened and think about whether they would wish to commit the same offence. I have deliberately not used the words law and crime above as punishments can be applied in the home, in schools, the workplace, clubs and private groups and within society as a whole - in fact, anywhere that has rules governing the behaviour of its members.

In Britain, we are still a punishment based society and yet the punishments that we apply are generally ineffective and unclear to the majority of the population. It is impossible to say in most cases what punishment the courts will impose for a given crime and it is likely to vary considerably in different parts of the country. This is very dangerous as well as being unjust. If people do not know with certainty what will happen to them, how are they supposed to be deterred? It is reasonable to suggest that only in the cases of murder and drink driving would most people be able to say what sentence the court would impose.

The effect of crime and punishment

Crime is a negative thing, it is innately destructive - at its most extreme, it causes the lives of both the victim and the criminal to be taken but even the least crimes lead to destructive results for both parties and for society in general.