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Submission date: 15-Sep-2021 09:31AM (UTC-0500)

Submission ID: 1649081976

File name: Crimes_Rough_Draft.edited_1.docx (21.73K)

Word count: 1152

Character count: 6307

Running head: ROUGH DRAFT

Crimes and Punishment Rough Draft

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Comprehension of the concept of crime and punishment is a wide topic. A crime refers to any action that constitutes an offense and is punishable by the law. Thus, punishment refers to any imposition or infliction of a penalty as retribution for an offense. Based on research by (Cherrington et al, 2007), punishments are the most effective strategy for changing behavior. He argues that punishments are effective when the threat of punishment is present, and when the offender has been found guilty of the crime. Therefore, this essay focuses on comprehending major ideas put forward by (Beccaria, 1819) in his book "An Essay on Crimes and Punishment."

An essay on Crimes and punishment argues that capital punishment as a form of legitimizing the behavior that the law aims at repressing is counterproductive to the message being conveyed (Beccaria, 1819). Punishments may cause frustrating behaviors since an individual's thinking is fixated on past errors and mistakes rather than searching for the most effective solution. This leads to capital punishment. Today, the supreme court has not found these methods unconstitutional irrespective of being found unconstitutional by state courts. Research by (Sethuraju et al, 2016), There have existed different rationales for either supporting and rejecting the death penalty. The results of the article showed that although the practice of capital punishment remains legal in over thirty-six states, there are still arguments requiring its abolition due to the intensity of the death penalty as a punishment. According to (Beccaria, 1819), when capital punishment is utilized for lesser crimes, it is viewed as an immoral concept in Infront of society. Thus, he opposed capital punishment such as torture and the death penalty except in critical conditions.

Beccaria explored different kinds of crimes and sorted them by the degree of their severity effects on society as a whole. He argues that a more immediate punishment is necessary depending on the severity of the crime to the society. According to Beccaria, Treason was the worst crime

since it tampered with the social contract. Treason refers to the crime of betraying one's nation, especially through killing attempts and overthrowing the sovereign government. It was followed by violence against individuals, property, and he argued that such crimes should be punished by the administration of fines. The last was public disruption. In an article by (Rowland et al, 2017), some crimes were inappropriate for children under the age of eighteen and were considered as child abuse instead of criminal punishment.

Those who study crimes and punishment argue that different ways to simultaneously punish criminal offenders while protecting the public have been developed. These methods include incapacitation and imprisonment, banishment, deterrence, retribution, rehabilitation, and restoration. Incapacitation punishment involves sending criminals to prison and restricting their freedom in the community to ensure the protection of society and ensuring the offender does not commit further crimes. However, according to research by (Apel et al, 2017), imprisonment as a form of punishment is ineffective in the United States since offenders are less likely to transition back to public life and are therefore more likely to commit further crimes. Banishment as a form of punishment involves the offender staying outside of a certain region. It was commonly utilized in ancient world cultures. Deterrence involves instilling fear to ensure that society does not commit crimes. Rehabilitation as a form of punishment involves the application ¹ of treatment and training to the offender so that they are capable of returning to society and function as law-abiding citizens of the society. Restoration punishment is a complex process of psychological alteration and behavioral change to treat the harm that the criminal has caused. Therefore, the United States Constitution was influenced by the Beccaria to rule against vagueness, ² right to be judged by peers, right to public trials, right to dismiss certain jurors, and right against unjust punishments.

The capital punishment, bestowing to Beccaria, did not descent in the sphere of the correct and fair, but in the field of war, which posses its own regulations of requirement and usefulness. Even in that dominion, however, Beccaria reasoned that death penalty was neither essential nor suitable. Not essential since long-draw-out penalties, like the penal slavery or bondage for life, are more actual and anxiety tempting than the transitory surprise of death: 'Abundant to stronger than the impression of death, whereby men always view as unclear and unfriendly, is the efficient because frequently repeated replication that I too shall be condensed to so lifeless and so miserable a state if I obligate similar criminalities.' Not suitable since capital punishment has a coarsening effect on the world, 'as of the example of violence it gives to people.'

Beccaria however entrenched a utilitarian core into his study. The limitations on the precise way to punish defensible only to the scope essential to produce safety and order are exactly what allow persons to adore the greatest conceivable right that is left to everyone and each one of them. 'The juster the penalties,' Beccaria underlined, 'the more sacred and unbreakable is the safety and the superior the liberty which the independent conserves for his focuses.' The metric of fair punishments and of impartial laws the metric of fairness is precisely the better good of the individuals, or, as Beccaria inscribes in his very Overview, 'whether or not the rules of law conduce to the utmost pleasure shared among the larger number. Fairness, Beccaria stresses to his reader, is 'what is informally convenient, 'and it is in this way that Beccaria interlaces together utilitarianism and contract theory.

In summary, this review adopts the idea of free will to decree a punishment on the delinquents and renounces old habits of torture and death penalties. After reading Beccaria's treatise regarding crime and punishment, it is possible to alter one's perception regarding types of crimes and types of punishments. In conclusion, the severity of the punishments ought to be

proportion to the crime and the state of the nation. That is, crimes such as public destruction and theft do not deserve capital punishment. Therefore, despite the availability of some contraction in the text, "An essay on crime and punishment" is a liberal approach to crime and punishment that promotes tolerance and protection of human rights.

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