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Crimes and Punishment Final Draft

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Comprehension of the concept of crime and punishment is a broad 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 the main ideas put forward by (Beccaria 1819) in his book "An Essay on Crimes and Punishment." Beccaria summarizes crimes and punishments so that individuals comprehend that punishments should not be a violent act committed against an individual but should be an essential act under the given circumstances and proportionate to the crime and according to the law.

An essay on Crimes and punishment argues that capital punishment as a form of legitimizing the law's behavior 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. Capital punishment refers to the execution of an offender that has been sentenced to death by a court of law. Forms of capital punishment may involve electrocution, hanging, firing squad, lethal injections, and the gas chamber. Today, the supreme court has not found these methods unconstitutional irrespective of being found unconstitutional by state courts. Research by (Sethuraju et al., 2016) has different rationales for either supporting or rejecting the death penalty. The article results 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. The review also discusses the effects of capital punishment on both societies and individuals. According to (Beccaria 1819), when capital

punishment is utilized for lesser crimes, it is viewed as an immoral concept in front of society. Thus, he opposed capital punishment such as torture and the death penalty except in critical conditions.

Founding a logical agenda for the public as an agreement amongst a supreme, administrative power and the specific associates that communally bond underneath the organization of Beccaria declares that the passing away punishment is neither operational nor essential for the chief occupancy of fairness. Beccaria grants proof resulting from past instances, his personal communal opinions, and unique appearances of thinking to condemn capital sentence and as an alternative supporter penalty in the custom of lasting work. The logical basis for Beccaria's method to communal sentence is grounded on his ideal of communal agreement whereby persons and civilization pursue to retain a steadiness of freedom and safety for members however safeguarding fairness which he states as the unions obligatory to conduct secretive benefits together. Beccaria commences his analysis with a strategic allowance of the two circumstances where he would observe capital sentence as morally reasonable. Making use of a consequentialist principle, in which logical appropriateness of achievement is resolute by the measure of net confident costs for all individuals, Beccaria confesses that circumstances in which one or the other the resident has the impact whereas still being alive and deprived of freedom to motivate viciousness, or the resident's demise will perform as a warning for obligating wrongdoing would create the murder of the civilian needed to stop damage from occurring in the civilization.

Beccaria pursues to offer proof of experiential nature by primarily stating the cultures of the past signifying the inefficacy of the danger of demise. to each of these cultures, Beccaria narrates in what way the danger of the final sentence doesn't prevent men who are unwavering to damage the public from continuing to take place, and make use of this reoccurring

occurrence as a entry in the theoretic features of his disagreement. Though the indication that Beccaria delivers is precise case and obtainable deprived of profound ancient setting, the statement of the proceedings seems significant for the determination of instituting that, the danger of demise has remained an unsuccessful ways of developmental regulator in a slightest cases, which may challenge any complete assertions in good turn of capital penalty as a warning. In disagreeing for the inefficacy of capital penalty as an operative ways of discouraging wrongdoing, Beccaria continues to create a psychosocial assertion, outlined as a declaring occasioning from the training of human psychological growth as it shares to setting of a communal atmosphere.

Beccaria largess the proposal that the period of an extended and difficult sentence has a superior influence on the human thoughts than rapid and unfluctuating terribly agonizing demise, hence occasioning in a well mechanism for disheartening defilement of the communal agreement. Beccaria declares that men openly feel bound by the clue of persistent hard work and woe for themselves than passing away which seems in what he named misty distance. Trusting that the aim of official sentence is to implant fright in persons to discourage them from obligating wrongdoings and sustain the honesty of the communal agreement, Beccaria contends that the demise punishment misses the mark to attain its particular aim. The collection of feelings that Beccaria states take place mainly when residents observe capital sentence contain the desire of show biz, bad luck for the suspect, and contempt for the supposed crimes of the suspect. In noticing involuntary work, contrary wise, Beccaria trusts that terror develops the leading emotion, and therefore, would be further operational. In disagreeing for the in-efficacy of capital sentence as an operative ways of discouraging wrongdoing, Beccaria continues to create a psychosocial assertion, which is demarcated as a declaring occasioning from the training of human mental growth as it narrates to setting of a communal environment.

Beccaria's allegation of possible rational illogicality in persons who would agree to take the concept of communal agreement though backing up capital sentence cuts from the notion that, if the purpose of rules is to adequate human actions in a way that it faces the fierce feature of human nature predominant freestanding of the public, then capital sentence challenges this plan by supporting the result of assassination whereas demanding to condemn of killing as something to be prohibited in cultured humanity.

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. He concludes that crimes and punishments should be proportionate to one another. For instance, he argues that the crime of suicide or attempted suicide should be left to God and not the justice system. Moreover, he argued that bounty hunting should not be allowed since it tampers with the morals of both individuals and societies. 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.

According to Beccaria, just the regulation can recommend punishment. The law bestows the legislation authorities to define delinquency and to suggest which punishment should be levied. It is not up to a judge or a magistrate to enact a penalty if the legislator has not agreed on it. According to this statement, it's neither to a magistrate to alter what the law articulates about how

a crime should be penalized. The magistrate or judge of any court must do precisely what the law pronounces.

Concerning harsh punishment, Beccaria alleged that if severe penalties do not stop crime, they should not be cast off. Instead, penalties should be relative to the damage that the crime has triggered. Conferring to Beccaria, the purpose of the penalty is not to cause discomfort to the criminal but to avert them from repeating the same crime again and to stop other people from obligating crimes. In order to be in a position to do that, Beccaria thought that punishment must be certain and instant. Beccaria believed that if lawbreakers were sure that they would be castigated and if the sentence would come as rapidly as conceivable after the crime, that this would have a broader chance of avoiding crime (Sethuraju et al. 2016).

Likewise, according to Cesare Beccaria, the government does not have the freedom to anguish. For the reason that no one is guilty till he or she is proven guilty based on the evidence issued in court, and as a result of this, no one has the right to penalize an individual by agonizing the offender. Desirable persons who are under agony will want the anguish to stop and might consequently make untruthful prerogatives, as well as that they dedicated wrongdoing they did not obligate. Therefore, anguish is also unsuccessful.

As an extra controversial matter, Beccaria claimed against capital punishment or the death penalty. In his view, the government does not have the freedom to pay ferocity with more violence. Also, in addition to that, Beccaria alleged that capital punishment was impractical. The death penalty is brief, it is not permanent, and hence the capital punishment cannot be very fruitful in averting crimes. As an alternative, long-term punishments, like life incarceration, would be more effective in stopping crimes since potential criminals will find this considerably more unhappy disorder than capital punishment or the death penalty. Cesare Beccaria's thoughts became the

foundation for all current criminal justice schemes, and there is some indication that his article influenced the French and the American revolutions, which occurred not long subsequently to the publication of the thesis (Cherrington 2007). Cesare Beccaria's ideas were not innovative since others had also had initiated some of them, but Beccaria was the first one to articulate them in a reliable way. Various people were prepared for the changes that he projected, which is why his paper was such an achievement.

Furthermore, the book argues that to prevent crimes, a society must employ strategies that are accepted by both the law and the society. These laws should ensure that both the mental conditions and physical capabilities of society, in general, are maintained. He divided the strategies into several major groups. First, society must ensure that laws are simple and clear. That is, when laws become many and too complex, their enforcement becomes too hard; thus, the probability of maintaining them becomes too complicated. Second, ensuring that the entire nation is united in defense will ensure that the process of recognizing crimes and administering effective punishments is simplified. Third, ensuring that laws are not against classes of men but against men will ascertain that discrimination in the criminal justice system is avoided. Furthermore, ensuring that virtue is maintained will guarantee certainty of the outcome of the crime and punishment. Lastly, showing a direct interest in the law as a whole to observance rather than corruption will ensure that the process is just. Research by (Murray 2005) argues that society plays an important role in ensuring that crime management is effective. This will ensure that victims and effects of crimes are reduced.

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, ³ right to be judged by peers, right to public trials, right to dismiss certain jurors, and right against unjust punishments.

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. He argues that the barbarity of society should dictate the severity of a crime; for instance, the well-established civil society that has been softened over the years should reduce the severity of certain punishments, capital punishment is no longer of greater use to the society. He further cautioned the overutilization of infamy and its effect on the progressive evolution of society. It is, therefore, interesting how the United States of America, through its founding fathers were greatly influenced by the essay by Beccaria. However, due to the earlier days of the federation nature of the nation where most frontiers men sought vigilante justice, barbarity

prevailed in the country. 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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