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A Necessary Evil?

Does an eye for an eye make the whole world blind? In our current world can we truly allow crime to go unpunished and hope for messages of peace to eventually overcome our human nature, the good and the bad? Is an act of evil that produces effects in society that are good still evil? Through personal experience we interpret these types of messages as a means of establishing a moral code for ourselves; a means of distinguishing what is right, what is wrong, and everything in between. In its most basic form this moral code tells us that it is good to help others, and bad to harm them.

This fundamental set of beliefs must be considered when making decisions to correct the problems of crime in today's society. Jeff Jacoby, a columnist for the Boston Globe, argues in his essay "Bring Back Flogging" that corporal punishment is in some cases less harmful and more effective than the current use of imprisonment in America today. It is through his examination of both physical forms of reparation and incarceration that we can see, regardless of reasoning, both methods of disciplining criminals invariably causes harm. Jacoby also shows that without a proper system of stopping these crimes there will be no end to them. Flogging is his solution to the problem of lawlessness in society. It is simply a means to an end. Punishment itself is an act of harm designed to ensure that further crimes are not committed. In a society that encourages free-thinking, it would then be impossible to convince every member to live

peacefully without controlling their very thoughts and needs. When no effective alternative is available, punishment is both immoral and necessary.

In order to believe that crime is a problem that society is losing control of, Jacoby states that “1.6 million Americans are behind bars today. That represents a 250 percent increase since 1980” (188). This could be due to increase in population especially in the poor, gang culture that encourages violence, or any number of social, racial and economic factors that cause humans to commit unlawful acts. The fact remains that crime is a problem that will not go away. Judging by the large number of prisoners currently in the system, it is also true that jailing criminals is a widely accepted and used form of correction. What we do not know is how high crime would rise if no punitive measures are used at all. If it is true that “about three of every four convicted criminals . . . are on the streets without meaningful probation or parole supervision” then each and every one of those criminals could be a potential repeat offender because there is no fear of retribution (188).

Fear is one of the most powerful techniques of control. The thinking behind the prison system is that if a criminal fears the consequences of their actions, they are far less likely to commit a crime again. The technique is to make the prison experience so bad that they don’t want to go back. Criminals forfeit their rights and their freedom as a consequence of their actions. Jacoby is convinced that the negative effects of imprisonment do not end there. According to a 1994 report in the Globe, more than two hundred thousand inmates are raped every year (189). Supreme Court Justice Harry Blackmun is convinced that “the horrors experienced by many young inmates, particularly those who . . . are convicted of nonviolent offenses border on the unimaginable” (189). By sending criminals to such a dangerous situation we are directly placing them in harm’s way. Though the system does not directly commit the act

of rape, murder, or violence by stripping criminals of their freedom and placing them in a situation of great personal risk, the system causes great harm to each and every criminal sent through the penal system.

Jacoby questions this rationale best when he asks: “are those horrors preferable to the short, sharp shame of corporal punishment” (189)? After all, the entire reasoning behind his argument is that a prison sentence could potentially be much worse. Corporal punishment, whether it maim, mutilate, humiliate, or cause minor injury, is the simplest form of causing harm to another human being. The effectiveness of physical forms of penance depends on the same principle of fear that imprisonment does. It is the consequences of the crime that deter would-be criminals from acting. The major difference between the two forms of punishment is in the method in which they are carried out. Not every prisoner is raped or beaten, but every prisoner is harmed by having their freedom taken away. The severity of the damage is controlled with corporal punishment by the absoluteness of the action itself, whereas the extent of the damage is uncertain while serving a prison term.

The reality is that both actions are equally intended to cause harm with the justification that they will do greater good by making society safer and decreasing the number of people willing to commit criminal acts. Punishment is not a perfect form of control as many criminals who commit crimes do not fear their consequences and return as recidivists. If our most basic moral code states that it is wrong to cause harm to another being, then the act of punishment itself is immoral. The problem is that there is no true alternative to punishment as a means of controlling crime in America today. It is a fundamental flaw in human nature that we cannot do what is morally right all the time. Both the good and bad are embedded in all of our actions. Though it may eventually make us all blind, we must accept the tools we have in order to protect

the very civilization that we crave. Since we choose to cause harm as a means of stopping people from committing criminal acts, it is our moral obligation as a society to ensure that the methods we use are appropriate for the crime and effective in their results. If we do not, then we are committing acts of evil merely for the sake of our own peace of mind.