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## Should Punishment Always Fit The Crime

“If you're going to do something wrong, do it big, because the punishment is the same either way.” (Jayne Mansfield) If all felonies were to have a preset punishment, wouldn't this be the mindset of all criminals? For the purposes of this essay, a 'punishment' which 'fits the crime' refers to the presence of a pre-determined and fixed set of punishments for each crime. Hence, the question: should we punish according to the law, without any deviation, under all circumstances? To answer this question, we need to understand the fundamental reasons for disciplining criminals. There are multiple reasons for punishing, such as deterrence of potential criminals, rehabilitation of criminals, and retribution towards society to maintain both law and order in the society we live in. This essay agrees to the statement to a small extent, where it would argue that punishments should be catered towards criminals and that if punishments were to always fit the crime, ethical issues and injustice will arise.

Some support the idea of a predetermined punishment for every crime as they believe that it would be an effective method in lowering crime rates. By having preset penalties, there will be a strong deterrence effect as criminals will be fully aware of the consequences they will have to face should they be caught committing a crime. This will create a fear factor to prevent them from committing the crime, in turn deterring potential criminals, and resulting in crime rates being lowered. A research studying the relationship between execution rates and homicide cases highlighted a strong inverse correlation. When execution rates rose, a fall in homicide cases followed not long after. It shows how criminals are dissuaded from breaking the law as they will be aware of the severe consequences they would face should they be caught. Hence, higher likelihood of receiving severe punishment has been proven to have a strong deterrence effect. Therefore, by having a stipulated penalty, there would be a lower crime rate due to the heightened fear of receiving punishment.

However, some may refute that although this method is highly effective, it is very impractical. Complications such as having an unfair justice system will arise, due to the fact that if a punishment is affixed to each category of offense, the severity of the crime will be disregarded when delivering a punishment. Take, for instance, a criminal who robbed a bank and another who committed petty theft. Although both committed the act of stealing, they should receive different punishments in which the one who robbed the bank receives a heavier penalty. This is because, according to the retributive theory, the extent of harm inflicted upon a criminal should be proportional to the harm he had inflicted upon an individual or society. Hence, if punishment were to always fit the crime. Major and minor crimes would be grouped together under the same category which will not only result in injustice towards criminals but an unfair and inappropriate justice system. Hence, the cost of having punishments always fitting the crime outweighs the benefit of having an effective deterrent effect.

In conjunction with the previous point, if punishments were to be invariable and never deviate, ethical issues such as the infringement of basic human rights will be raised. According to the United Nations, “Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.”. This declaration means that the accused should be given the fair chance to explain himself in front of a judge and a jury when he is facing potential criminal

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charges. If there was a prefixed punishment for each crime, since the punishment has already been decided, the only role of the judicial system would be to present a verdict on what crime was committed. Since in this case, the fate of criminals is foreordained, they would be deprived of the basic human right to defend themselves. One example of this would be the way Saudi Arabia handles the sentencing of criminals. More often than not, international standards of a fair trial are not met and the accused do not have access to legal assistance or representation in court. On 23 April 2019, 37 executions were carried out as punishments for various reasons such as spying for Iran and violent offenses relating to anti-government demonstrations. All of them did not have the liberty to defend themselves and were denied a fair and public hearing. Not only was this unfair towards the defendants but it violated their human rights; ergo, the punishment should never always fit the crime.

Subsequently, instead of being predetermined, the punishment should be catered towards criminal circumstances such as age and mental state and vary according to what best fits the offender. Age cannot be disregarded when imposing penalties, especially when criminals are youths. This is because children do not have the mental and the emotional maturity to make informed decisions, hence they should be given lighter sentencing and chances for rehabilitation. It was found that the risky, impulsive actions of juveniles can be mainly attributed to an undeveloped brain. Hence, their behaviors not a permanent part of them, and it would be unjust for them if they were not given a chance for rehabilitation. Additionally, studies have shown that children had a higher chance of rehabilitation than adults. Therefore, their punishment should be more lenient than adults'; and not solely based on the crime they have committed. Furthermore, youths may not be able to withstand the same punishments given to adults, due to their immaturity. They may be more susceptible to developing mental illnesses when exposed to harsh treatment. A report conducted found that 87% of juveniles have been subjected to solitary confinement. It was further found that more than 60% of juveniles who committed suicide experienced solitary confinement, which were meant for adults. Consequently, by having a fixed set of penalties, the punishment may not be suited for the criminal. Hence, It is crucial to make an objective judgment and take into account external factors personal circumstances such as age and mental states so as to deliver not only an appropriate, but also a more humane punishment. Therefore, criminals should receive punishments tailored to them instead of having a predetermined set of consequences.

Hence, the answer to the question 'Should punishment always fit the crime?' is no. Not only will it be impractical and unfair, but it would be unethical as it totally disregards the extent of crimes and personal circumstances of criminals. The justice system should objectively deliver punishments catered towards criminals to ensure the appropriacy of the sentence given.