

# Candidate 6 evidence

Understanding Standards Higher RMPS

Essay 6 – Justice

Evaluate religious and non-religious responses to the moral issues arising from non-custodial sentences. (20)

In this essay I will compare the religious and non-religious responses to the moral issues arising from non-custodial sentences.

Non-custodial sentences are sentences for punishment for breaking the law where you're not held in custody e.g. prison (KU). Non-custodial sentences include forms of punishment including electronic tagging with a criminal has a tag on them which limits their freedom (KU) by sending an alert to the police if they break either the location or time frame rules of the tag - tags usually don't allow people to leave their house after 10pm (KU) as well as this fines are another non-custodial sentence which are often given to drivers who have driven well over the speed limit (KU). Community services and other non custodial form of punishment we're criminals will help the community for example by picking up litter (KU).

One moral issue that arises from non-custodial sentences is the fact that unlike custodial sentences which keep prisoners locked away non-custodial sentences do not protect the world from dangerous people (KU). This is because these dangerous people who have committed crimes are still in society and are a potential threat to others (A). Utilitarians believe that the right decision is the decision which results in the most happiness for the most people possible. As Utilitarian Jeremy Bentham says "the greatest good for the greatest number", (KU) which suggests he believes you should always do what results in creating the largest amount of happiness. A consequence of this is that Utilitarians are against non-custodial sentences as they don't make the public feel safe and happy as they feel at threat with criminals walking among them. Utilitarians value the public's feelings of safety over a single criminal who may be more happy with a custodial sentence rather than a non-custodial sentence (A). However, a further consequence of this as that although the general public are a large number of people who utilitarians want to keep happy if a criminal was given a custodial sentence instead of a non-custodial sentence this at first may appear to create more happiness for the public. But it doesn't take into account the offenders family and friends who may then become unhappy (A), meaning that the Utilitarian's view still creates a vast amount of unhappiness. I agree with this response to a certain extent. I agree that the public may feel unsafe and that their happiness as important so therefore having a criminal not in custody where they can still harm people as a huge moral issue of safety. However,

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criminals who received non-custodial sentences are usually given these types of sentences as they are not as high risk as say, a murderer (E). Therefore the reason they aren't in custody is because they aren't seen as a risk to society so they don't need locked up.

Another moral issue which arises from non-custodial sentences is the fact that they don't fill the purpose of crime to retribute. Retribution is the belief that you should get what you deserve and be punished justly. It is the idea of revenge and that if you commit a bad crime something just as bad should happen to you in return. Non-custodial sentences can be seen as too soft and letting people away with things easily (KU). Christians who follow the Old Testament believe in harsh punishment and the Old Testament it says "an eye for an eye, a tooth for a tooth (KU)" this means that if someone does something to you the same should happen back to them. A consequence of this is that Old Testament Christians would be against non-custodial sentences as they do not retribute something that Christians following the Old Testament believe very strongly in.

I disagree with this viewpoint as I feel that although non-custodial sentences may not mirror the crime and be a 'harsh' enough punishment, revenge and payback is not a healthy way to view life. This is because if people are constantly wanting revenge on each other, when does this cycle end? It is a bad way to view punishment because instead of being fair to the criminal the idea of revenge is put in place which can tarnish what is really a fair punishment for the crime they have committed (E). As well as this the idea of retribution doesn't take into account people's personal lives. They may suffer from traumatic experience poverty or mental health issues which has turned them towards crime. So if someone was abused by someone and then murdered then retribution would suggest they should then be killed however this doesn't acknowledge their personal experience. Therefore I disagree with retribution as a purpose of punishment and believe that non-custodial sentences fit some crimes better than custodial sentences do (E).

Another moral issue from non-custodial sentences is that they don't rehabilitate criminals. Unlike custodial sentences which can include rehabilitation centres and prisons with rehabilitation programmes, non-custodial sentences do not try to help change criminals into better people (KU). They are punished and given a second chance but whether they take that second chance for granted is off their own free will and they are given no guidance or help to not go back into a life of crime (KU). Meaning non-custodial sentences are ineffective and filling the purpose of

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punishment to rehabilitate. Christians following the New Testament valued rehabilitation as a purpose as they believe in forgiveness. Jesus said "if someone slaps you on the right cheek, turn to them the other cheek also" (KU) meaning that we should always forgive people. A consequence of this is that Christians who follow the New Testament may disagree with non-custodial sentences as they do not rehabilitate. They will appreciate however that they do not completely limit criminals freedom but helping someone become a better person and making sure they don't make the same mistake again as the ultimate act of forgiveness which is something non-custodial sentences do not provide (A). I agree with this viewpoint to a certain extent as I agree that we should forgive and help criminals in order to lower crime rates. I also agree that a simple fine may mean nothing to someone with money for example, so non-custodial sentences can be very unimpactful on some people's lives (E). This means it doesn't rehabilitate or prevent further crime so I agree with this moral issue and Christians viewpoint on it. new two criminals are the same so every case should be treated differently in order for them to be rehabilitated and reformed.