

Humanist Perspective

Crime and punishment

Key features of a humanist approach

When considering ethical questions and questions about how best to organise society, humanists try to apply **evidence** and **empathy** to inform their position, alongside a respect for **personal autonomy** and **human rights**, and the desire to support people's **happiness** and wellbeing.

Humanists believe that this is the **one life** we have. There is no other life after this one in which wrongs might be put right. They therefore believe that it is important to work for justice in the here and now. Decisions about appropriate rewards and punishments for our behaviour need to be agreed on, by human beings, using **reason** and compassion.

Do humanists support the law?

Humanists can sometimes be heard arguing that being good is about more than simply following rules. However, they acknowledge that rules can sometimes be helpful. Laws exist for the common good, to ensure safe and orderly societies that, at their best, benefit everyone. Humanists typically agree that we should obey the law. If, however, we think a law is unhelpful (perhaps because it causes more harm than good), then, in a democratic society, we should be allowed to question it and argue for change. We should also recognise that some actions can be morally wrong without being illegal.

Many humanists are **secularists**, meaning they believe religious institutions should have no privileged power over the decisions of the state and no favoured role in setting the laws of a country. Laws should be agreed upon democratically by human beings, while also recognising the need to respect people's individual human rights.



An evidence-based approach

Humanists often speak about taking an evidence-based approach. In deciding what makes effective policy on crime, they argue that we should study the data and consider the likely **consequences** of different possible approaches.

Effective policy means more than simply considering what minimises crime. Denying everyone the right to leave their homes might reduce crime, but few of us would feel that that was a sensible proposal. Instead we should try to find an appropriate balance between our need for both freedom and safety. Our aims might include protecting people from harm, deterring people from committing crimes, and reforming criminals' behaviour. To succeed, humanists argue we need to look at the evidence of what works, even if that conflicts with our natural instincts towards crime.

For many humanists, the starting point should be to look at the causes of crime and consider what we can do to address the social, economic, and psychological factors that make people more likely to commit crimes. Prevention is often better than cure. Crime is typically more common in less equal societies, something that motivates humanists to campaign for more social and economic equality and better education provision for all. Mental health and addiction can also be motivating factors, leading humanists to support strong healthcare and social care systems. For many humanists, the best way to fight crime is to ensure that societies are set up in ways that support all people to lead full and flourishing lives, and therefore reduce the need for people to turn to crime to fulfil their needs.

Looking at crime with a rational eye

The psychologist Steven Pinker argues that we are safer today (particularly from violent crime) than we have ever been before. Murder, for example, has been declining steadily since the Middle Ages: in England in the 13th century, there were 20 murders per 100,000 people; now, it is between 1 and 2 per 100,000 (UNODC, 2018).

Humanist Perspective

Crime and punishment

What is punishment for?

'The only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others.'



'The Harm Principle', *On Liberty*,
John Stuart Mill (1806–1873)

While they are strong supporters of individual freedoms, humanists do not believe that our freedom extends to being allowed to cause harm to others. Our freedom can be limited by the state to prevent that.

Different justifications are often cited to justify punishment. These include...

- **retribution** (to make the criminal suffer as the victim has),
- **protection** (to prevent the offender from committing further crimes),
- **deterrence** (to put people off committing crimes in the first place),
- and **reformation** (to help change the offender's character and rehabilitate them, making them less likely to repeat their crimes in the future).

Humanists are typically wary of retribution as a reason for punishment, believing that there is little evidence that it leads to positive outcomes. When considering the goals of protection, deterrence, and reformation, they try to look at the evidence to decide whether different forms of punishment provide effective means of achieving these aims.



Justice

'Recompense injury with justice, and recompense kindness with kindness.'
Confucius (551–479 BCE)

Many humanists would have sympathy with the Chinese philosopher Confucius' approach. We should not automatically respond to injury with injury. The philosophy of 'an eye for an eye' is not one that persuades many humanists.



What then is justice if not that the criminal suffers in the same way as the victim? That is tricky. Justice is not simply about satisfying those who have been harmed by the crime, although their feelings should be taken into account. What is important is that the wider society feels that justice has been done. That means that any wrongdoing has been responded to in a fair and appropriate way, and the potential consequences of any punishment are taken into account.

Justice requires that the accused is treated impartially, fairly, properly, and reasonably by the law. The accused's **human rights** should be respected: that means being entitled to a fair trial, being allowed to defend themselves, and be treated humanely while in custody.

Many humanists feel that our response should be proportionate to the crime, for example, it is not appropriate to execute thieves. Nor is it just to treat juvenile criminals as if they were adults, when we do not treat them as adults in other ways.

Humanists will sometimes speak about the need to prioritise **healing** rather than punishment. There is some evidence that 'restorative justice' programmes can improve the wellbeing of the victims of crime and are more effective than prison in reforming criminals. These schemes provide opportunities for victims and criminals to communicate. It can give victims a voice, and holds offenders to account for what they have done, helping them to accept responsibility.

Humanist Perspective

Crime and punishment

Should we forgive?

Humanists place great value on our capacity for empathy and compassion. They typically emphasise the need to consider the contributing factors to any crime which might be outside the offender's control. Forgiveness can demonstrate a sense of sympathy with the criminal and their situation that is often absent. Forgiveness can also sometimes make the victim feel better, and has the potential to break a damaging cycle of anger and revenge.

However, any benefits of forgiveness need to be balanced against the need for other action. The possibility and potential benefits of forgiveness does not mean that punishment is not sometimes appropriate. Nor should forgiveness be a duty or an expectation. For it to be meaningful, forgiveness should be freely given.

'We punish people who behave badly, who break laws. We do this to show our disapproval, to make amends to the victims of crime, and hopefully to persuade those who have committed crimes to behave better in future.



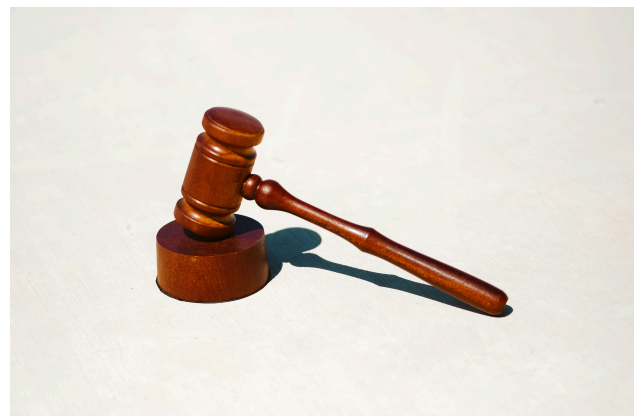
That makes sense, but it isn't enough. If we just punish people who are already struggling and don't know how to behave better, or may not even be aware that they are behaving badly, it won't help. They can end up just resenting those who make and implement the laws, and then further bad behaviour might follow. We want things to get better, not worse... When people leave prison or finish community service, their behaviour should be transformed so that they can be welcomed back into society. True rehabilitation helps someone give up crime; it makes them want to be, and become, someone who behaves legally and contributes to society.'

Carrie Thomas,
non-religious pastoral carer,
HM Prison Pentonville

Responsibility and free will

When answering questions about whether and why we should punish somebody, we face questions about **responsibility**. Are criminals always responsible for their crimes? Often, there will be causes beyond their control: genetic influences, as well as social and environmental factors in their upbringing, education, and opportunities. If someone has tampered with the brakes on a car, we would not blame the driver if they were involved in an accident. We therefore need to take external influences into account when considering whether or how we should blame or punish somebody.

This connects to the question of **free will** and whether it is possible for any of us to act differently from how we do. Many contemporary philosophers believe that we don't have free will. They argue that our actions are determined by what has happened in the past. We are not free to act in any other way than the one that we do. That raises questions about our moral responsibility for our actions. If we could not have acted differently, then how can we be blamed for our behaviour? It is for this reason that some argue that punishment should be forward rather than backward-looking. We should consider what impact punishment might have on the behaviour and the protection of people in the future.



Humanist Perspective

Crime and punishment

Does prison work?

Evidence indicates that prison often doesn't work very well. **Recidivism** (relapsing into crime) is common among ex-prisoners. Many return to the outside world with more criminal skills and contacts than they had before. Many also exit with limited opportunities to find work and fit back into society, and so return to a life of crime.

There is evidence to show that longer prison sentences have little impact on **detering** people from committing crimes. One reason is that many criminals simply don't think they will get caught. Nor are criminals always thinking about the consequences of their actions when they commit a crime; this is particularly true of impulsive or violent crime. Prison can be effective at **protecting the public**, but again there is little evidence that the more people you lock up, the lower the overall crime rate. Consideration needs to be given to the likelihood of the criminal reoffending and the potential harm caused by the type of crime they are likely to commit.

In Norway (home to the largest humanist organisation in the world) average prison sentence length is low and some prisons have minimal security – prisoners are given a greater level of trust. These prisons seem to have a better impact on **rehabilitation**, with Norway having among the lowest rates of reoffending.

Prison is also incredibly expensive. For many humanists, we should focus more of our energies on preventing crime in the first place: money spent early can mean more money is saved later.

Humanists believe that prisons should respect the **human rights** of inmates, ensuring they are treated with fairness and humanity, and that their basic needs and rights are met.

In the early twentieth century the Ethical Union (now Humanists UK) was affiliated to, and supported the work of, the Howard League - an organisation focused on prison reform to make the experience more humane for prisoners.



A core humanist belief is in the potential for people to change. That is why humanists support the goal of **reformation**. That means thought needs to be given to what opportunities prisoners have to rehabilitate themselves, such as through education and training, and assistance to reintegrate themselves into society.

Some humanists volunteer in prisons offering **pastoral care**. Since 2011, the prison service has allowed the provision of humanist pastoral care alongside religious chaplaincy services. This has allowed non-religious prisoners the opportunity to talk to and receive support from somebody who shares their worldview.

'Sometimes people do ask me: "Why do this for prisoners? They've committed offences against other people, sometimes very serious ones. Why do you feel they deserve support?" And I think my answer to them is that, as a humanist, I see people as a whole human being - not just their behaviour. So I feel that, as a human being, they do deserve some support and some care, and to be valued as a person because if we don't value people as people that isn't going to help them to be rehabilitated.'



Amy Waldon,
probation officer and
pastoral carer

Humanist Perspective

Crime and punishment

Capital punishment (the death penalty)

When considering ethical questions, humanists try to apply **evidence** and **empathy** to inform their position, alongside a respect for **personal autonomy** and **human rights**. Humanists believe that this is the **one life** we have. For them, decisions about appropriate rewards and punishments for our behaviour need to be agreed on by human beings using **reason** and **compassion**.

Typically humanists will be opposed to the death penalty, a position that is rooted in their belief in the value of human life, and the evidence for both its ineffectiveness and the potential for error.



Humanists International campaigns for the abolition of the death penalty around the globe¹. In support of its stance, the organisation cites the worth and dignity of every human being; the violation

of our right to life; opposition to all cruel, inhuman and degrading treatment or punishment; its ineffectiveness as a deterrent; and its irreversibility.

There is little evidence that capital punishment deters crime. The United States, one of the few democracies to retain capital punishment, has one of the highest murder rates among western democracies, at over 6 murders per 100,000 people (UNODC, 2022) compared to an average in Western Europe's of less than 1 per 100,000 people (UNODC).

Nor does the number of murders rise when capital punishment is abolished. In fact, US states with the death penalty record higher rates of homicide than those without (Death Penalty Information Center, 2020).

Why might humanists oppose the death penalty?

The Intrinsic Value of Human Life: Humanists hold that every human life has inherent worth and dignity. The death penalty, which involves the state-sanctioned taking of a life, is seen as incompatible with this belief.

Human Rights and Justice: Humanists advocate for human rights. The death penalty violates the most basic human right – the right to life (Article 3 of the Universal Declaration of Human Rights). Supporters of human rights typically argue that our rights cannot be taken away.

Cruelty and Inhumanity: Many humanists view the death penalty as inherently cruel and inhumane. They find the methods of execution and the psychological toll beforehand morally troubling.

Ineffectiveness: There is little evidence that the death penalty acts as an effective deterrent to crime.

Error and Irreversibility: The risk (and evidence) of wrongful convictions and the irreversible nature of the death penalty are major concerns for humanists. Additionally, some humanists might highlight worries about the fairness and impartiality of the legal system, particularly with regard to racial, economic, and social biases.

The Potential for Rehabilitation: Humanists believe in the potential for individuals to change. The death penalty eliminates any possibility for rehabilitation or reintegration into society.

It is typically a combination of some or all of the above that influences the humanist position on capital punishment

¹ humanists.international/policy/death-penalty

Humanist Perspective

Crime and punishment

Capital punishment (the death penalty)

'I don't feel vengeful for the murder of my sister. I've always been against the death penalty; it's a very primitive way of dealing with problems. It has nothing to do with respect for the murderer, or his rights, or the supposed sanctity of his dangerous life. Rather, it has everything to do with respect for ourselves, and the kind of



society we should strive to have. The point is simple: we should refuse to lower ourselves to a level anywhere near the murderer's own.'

A C Grayling,
humanist philosopher

A history of campaigning

There has been a long history of humanist campaigning against the death penalty.

The atheist poet Percy Bysshe Shelley was an opponent of capital punishment:



'It is sufficiently clear that revenge, retaliation, atonement, expiation, are rules and motives, so far from deserving a place in any enlightened system of political life, that they are the chief sources of a prodigious class of miseries in the domestic circles of society.'

On the punishment of death, 1840

Other significant humanists during the late 19th and early 20th century, like Henry S. Salt (a founder of the Humanitarian League) and Hypatia Bradlaugh Bonner (Vice President of the Ethical Union), actively campaigned for the abolition of the death penalty.

The Ethical Union (now Humanists UK) was affiliated to the Howard League for Penal Reform, which adopted the abolition of the death penalty as one of its key priorities in 1923.

Ernest Thurtle, a humanist and politician, was instrumental in bringing about the abolition of the death penalty for cowardice or desertion in the British Army. Thurtle's *Shootings at Dawn: the army death penalty at work* presented a collection of letters depicting the realities of capital punishment within the armed forces. He sought to educate the general public, generate compassion, and galvanise support for abolition. He first introduced the measure for abolition in 1924, and it became law in 1930.



'In these days no democracy has the right to shoot any man in cold blood, volunteer or conscript, because he is unable to withstand the horrors of modern war'

Sydney Silverman was a Labour MP and instrumental in the abolition of the death penalty. In 1965, Silverman introduced a Private Member's Bill to remove the death penalty for murder. The punishment was suspended in Great Britain (but not in Northern Ireland) for a period of five years, then permanently in 1969. In 1998, the UK formally abolished the death penalty for all crimes, as part of the Human Rights Act.

Another humanist advocate of the removal of the death penalty was Barbara Wootton, vice president of the Ethical Union (now Humanists UK) in 1954, and a supporter of Silverman's abolition bill in parliament.



'The final argument, and to me perhaps the most convincing of all, is the fact that no one can tell what the life might have been of the man whose days are cut short by the execution of the death penalty. Just as it must lie heavy on our consciences that we may have executed the innocent, so I think it lies heavy on our consciences that we may have deprived another human being of the opportunity of expressing his remorse in the subsequent years of his life.'

Humanist Perspective

Crime and punishment

Carrie Thomas is a humanist who offers **non-religious pastoral support** in HM Prison Pentonville. She believes that we all sometimes need someone who is willing to listen, that everyone deserves compassion, and that each of us is capable of change. She also helps to train others to offer support to people in times of need in prisons and hospitals.



Working in prisons and for criminal justice charities has opened my eyes. I had read stuff about crime and punishment, but my experience has shown me much more.

Money and poverty may play a part in crime, but they are not the most important parts. It is the care and love we get when we grow up that influences how we manage as a teenager and an adult. Not everything comes naturally. Our family, friends, and teachers teach us how to behave by their example. They help us to learn how to control our emotions. They show us how to be, or not to be, a part of, and responsible to, our community. The texture of our emotional background shapes our behaviour. It can make us emotionally strong or it can lead to our being unwell, and it has a massive impact on whether or not we will commit a crime.

We punish people who behave badly, who break laws. We do this to show our disapproval, to make amends to the victims of crime, and hopefully to persuade those who have committed crimes to behave better in future. That makes sense, but it isn't enough. If we just punish people who are already struggling and don't know how to behave better, or may not even be aware that they are behaving badly, it won't help. They can end up just resenting those who make and implement the laws, and then further bad behaviour might follow. We want things to get better, not worse.

We can all learn how to behave differently, but we may need encouragement, emotional support, and practical help to change. Many people in prison cannot read or write well, many cannot add up. They need help to learn these skills. Many are addicted to alcohol and drugs. They need support to get clean and to find a new way to live. Many have never had a job. They need help with training and assistance to get a job.

To have a healthy society we need to be responsible for all the people in our society. When people leave prison or finish community service, their behaviour should be transformed so that they can be welcomed back into society. True rehabilitation helps someone give up crime; it makes them want to be, and become, someone who behaves legally and contributes to society.

Offenders, however much the media wants to make us terrified of them, are some of the weakest members of our society. It has been said that how we treat the weakest members of our society is the true test of a civilisation. I agree. Only by actively helping people who have committed crimes to change their behaviour can we have a society that includes and benefits all, a society of which we can be proud. That is what I want.