24.191S15 LAUNCH QUESTION #6

DETERRENCE AND DESERT

In his article "The Humanitarian Theory of Punishment," C. S. Lewis objects to the view that the function of punishment should be to prevent crime by deterring and rehabilitating criminals. One of his most forceful objections is that punishing an innocent person could sometimes be the best way to deter crime:

"If the justification of exemplary punishment is not to be based on desert but solely on its efficacy as a deterrent, it is not absolutely necessary that the man we punish should even have committed the crime. The deterrent effect demands that the public should draw the moral, "if we do such an act we shall suffer like that man." The punishment of a man actually guilty whom the public think innocent will not have the desired effect; the punishment of a man actually innocent will, provided the public think him guilty. But every modern state has powers which make it easy to fake a trial. When a victim is urgently needed for exemplary purposes and a guilty victim cannot be found, all the purposes of deterrence will be equally served by the punishment (call it 'cure' if you prefer) of an innocent victim, provided that the public can be cheated into thinking him guilty."

In our discussion on Tuesday, many of you seemed sympathetic to the deterrence view. What do you think about this objection? Does it show, as Lewis thinks, that punishing merely for deterrence would be unjust? Or can you think of a response on behalf of the deterrence view?

24.191 Ethics in Your Life: Being, Thinking, Doing (or Not?)

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