

## Application of the Utilitarian Theory in Treatment of Criminals

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The Utilitarian Theory is mostly employed to back the last three justifications of punishments i.e. incapacitation, deterrence and treatment. The Utilitarian theory states that punishing the unlawful crook benefits the whole society and this advantage outweighs the bad impact on the individual crook (Joycelyn, 326). This is a teleological spat due to the fact that the ethics of the chastisement is determined by the impacts derived-minimized crime. Jeremy Bentham was the main supporter of the Utilitarian theory of chastisement and recognized main strategies for its use.

Bentham thought that condemnation works when it is used sensibly to rational beings, but it isn't satisfactory when the individual didn't make a balanced decision to do the delinquency, like when the Law prohibiting the act was approved after the act took place. There before, the law remained indefinite, the individual was interlining under compulsion, was the individual was a child, insane, or drunk. Joycelyn strongly believed that the value of the sentence would probably be lost in the above cases, hence, punishment would not be justified (327).

Bentham's main formula for chastisement provides that the value of the chastisement to the society overshadows the negative of the rebuke itself. The Utilitarian theory also supports

handling and incapacitation if they can prove to profit the society. If, for example, treatment and chastisement were to have equivalent quantities of utility for a given society, then treatment would be a more moral choice because it holds a less negative impact on the person. Similarly, if incapacitation and chastisement would be equally actual in protecting and offering utility to the society, the choice that has the minimal negative utility would be the most ethical one.

### Treating Criminals as Ends in Themselves

Thomas argues that minimal ideas in ethical and political viewpoint have been as influential as Immanuel Kant's form of the Categorical imperative that is well known as "the humanity formula" (299). In his work, "Groundwork for the Metaphysics of Morals," he indicates the formula as shown below. Act in the same manner that treat humanity. Later on, Kant suggests that individuals, as ends in themselves, hold the dignity, which is "an absolute and unsurpassed worth." In the Metaphysics of Morals, Kant frequently calls to this idea as the basic for numerous ethical principles and verdicts.

My aim here is to differ with Kant's ideas, and possibly extend them, so as to create questions concerning how criminals ought to be treated. I reflect that the major elements of my renovation of the idea of humanity as an end can be obtained in Kant's texts. The objective, rather, is to create a more broadly "Kantian" version of the norms related with human self-esteem and then to contemplate on implications for the handling of those found guilty of crimes under the criminal law (Thomas, 299).

Kant generates the humanity formula as a basis principle of humankind, but later makes an important division between the principles of law and those of ethical conduct. Some of Kant's wiles within the *Rechtslehre* clearly appeal to the humanity method, at least to the

impression individuals must not be treated that only as means, but criminals in the course of punishment (Thomas, 299). They demand for diligent people to seek reorganization of abusive, harmful, mentally numbing, and dehumanizing circumstances and practices that are non-essential features of just punishments.

Work Cited

Joycelyn, P. *Ethical Dilemmas and Decisions in Criminal Justice*. 2013. Cengage Learning.

Thomas, E. H. *Virtue, Rules and Justice: Kantian Aspirations*. 2012. OUP Oxford.