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In this proposal you highlight some really interesting ideas & concepts, & appear to have grasped some very important issues with regard to the supposed link between morality & legality. In your dissertation perhaps you could have a chapter on this.

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The main weakness of the proposal is the English, which tends to let you wind down. The result is that in places, some phrases could be construed as misunderstandings but I do not think such misunderstandings are always 'genuine ones', so to speak, but rather to do with the presentation/English.

An Investigation into the Concept of Evil and Responsibility and the Benefits of Rehabilitation Compared to Punishment

Abstract

Evil and responsibility ^{have} ~~has~~ long been debated amongst philosophers for centuries. How, and if a person should be punished ^{is not quite re-worded} has dominated the topic of ethics in philosophy as well as our own moral values. Utilitarian and retributive are the two main philosophies when looking at theories of punishment. Theories are used by governments to justify the punishment of people, in order to maintain order in that society. The concept of punishment calls for questioning whether a person is deserving of it, but what does "deserving" look like? The concept of evil in terms of human nature, is used and explored when considering a persons [?] crimes and thus then the consequential course of action, for example, punishment. There are many interpretations of what people see and understand to be warranted as "evil". A persons [?] responsibility of their actions and their conduct and what responsibility looks like when addressing behaviour, could be perceived as evil.

Does this really dominate or values?

closer attention to wording required.

Behaviour for human beings is extremely important in the realms of communication and for a society to function, an agreed form of communication is often adopted. But what happens when this behaviour is at odds with the majority of everyone elses behaviour or if the majority of a society's behaviour appears evil? What action is to be taken to address this, are the people to be punished or

rehabilitated? The topic has been discussed by a number of philosophers: *Jeremy Bentham, Michel Foucault, T. Hobbes, I. Kant, Russ. Shafer-Landau, John Kleinig, C.L. Ten*

Context

One of the most presided reasons for retributive punishment was *lex talionis*, which dates back over 3000 years and can be found in a number of religious scriptures. This form of punishment can still be found being used today. It is used to create an equal amount of suffering. There is however the moral issue of repeating an evil act, for example, aggravated assault, two wrongs do not make a right.

But in western society, criminal punishment often refers to imprisoning a person and this is done so for an improved consequence, that being, in order to deter them as a performative action to the rest of society to not commit a crime. Or to reform them.

Philosopher Shafer-Landau introduces the term moral desert nihilism, meaning that there is no fact in that criminals deserve to be punished. Problems with this then are that the argument can be made that criminals can be freed, or even killed for minor crimes like littering, as the punishment is not morally justifiable, no punishment can be too lenient or too severe.

Ultimately, the challenge is justifying the suffering we feel is deserved to a person who has done wrong. They should take responsibility and feel guilty, repent or suffer. Rehabilitation offers a person to take control of the act they've committed and the suffering and pain they have caused and to learn. This begs the the question, doesn't everybody deserve a second chance?

Focus of research

Moral desert nihilism can seem baffling and unfair on the surface. But accepting that all criminals and all crimes do deserve a punishment is a naïve conclusion. By focusing on the ethical issues of using prison as a form of punishment, the rehabilitation of offenders will be investigated as an attempt as a solution.

And the error in our judgement of what we have and do deem as wrong or even evil will be highlighted and scrutinised.

Theories of punishment; reformatory, deterrent and retributive, will be analysed. Philosophical views from scholars and philosophers such as Shafer-Landau, Klenig, Rousseau, Peterson and Gaita will be critiqued and supported.

An explorative look in to what evil is and whether or not it exists will be made. This will be done to further highlight the deservingness of punishment especially in cases where ones behaviour is not entirely in their control, either in extreme cases of memory loss or brain injury, to the committing of a crime to support oneself financially or illness.

Significance of your project

To closer examine the treatment of people who have been imprisoned as a form of punishment. Headlines such as 'children locked in cages' referred to the mass imprisonment of children who had travelled from one country to another, for a multitude of reasons. Is there justification in that? The millions of people, mainly black men, who were incarcerated due to the possession of cannabis, while café and shop owners sell that very product legally today. Was a punishment ever needed for an action. The decriminalisation of homosexuality is an immense example of how as a society we get it truly wrong. Homosexuality once was perceived as genuinely evil. Our perceptions and interpretations of what that looks like can and have certainly been wrong. So we must ensure we are not being naïve in our judgements of behaviour of individuals or of what our society condones and punishes. It is imperative we take a deeper look as to not repeat the same mistakes we once have.

Bibliography

Kleinig John, *Punishment and Desert*, (Netherlands, The Hague, 1973)

Link between
legality & morality
in society - explore/
say that you
will explore.

But is that
punishment?
Something
else?

This source takes a direct look at punishment and desert with an in-depth analysis of desert. It will provide clear definitions to work with, as well as the unique view of looking into revenge. It also address the topic of mercy and forgiveness. The extensive bibliography which it has to offer makes this source ideal to be used for further research in to the topic.

Ezorsky Gertrude, *Philosophical Perspectives on Punishment*, (Albany, State University of New York Press, 1972)

Gertrude has edited and offered an introduction to her collection of *Philosophical Perspectives on Punishment* using theories from Plato, Kant, Hobbes, Aquinas, Morris, Mills to Marx. This source is especially extensive, offering a range of accessible academic essays on theories of punishment.

Gaita Raimond, *Good & Evil: An Absolute Conception*, (London Macmillan Press Ltd, 1991)

This source offers a deeply ethical look at the concept of evil in an individual sense. Gaita seriously explores the concept of remorse and other human reactions like affection and attachment. This is especially useful because by understanding human behavior are, we then able to understand our responsibility.

