

# **Evolution of the Understanding of Crime and Punishment**

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Since the beginning of mankind, crime has always been present within humans. As humans kept reproducing, crime has spread and evolved into many kinds. With that, the ways and means to deal with the crime have also evolved. Crime and punishment sometimes reflected our priorities, and other times it has been an example of our humanity. That said, let us look deeper into the history of crimes and their punishments, and see how humanity is portrayed within history.

From the early ages of human history, revenge has been seen as a valid form of punishment, which tells us that the punishments are often handed out by the victim of a crime as a way of taking revenge or payback. This, however, oftentimes resulted in punishments being overly severe and led to bloody wars, lasting unrest, and whatnot, just for the sake of taking revenge.

## **The Code of Hammurabi**

Eventually, people realized how pointless and unproductive this was and invented laws and rules regarding crime and punishment. These laws were designed so that the punishment would match the crime, even though the punishments were still handed out by the victim as a form of revenge. Among these laws and rules, the Code of Hammurabi was one of the very first laws that even influenced modern criminal justice we know today.

Hammurabi was a Babylonian king who ruled from 1792 until 1750 B.C.E. Hammurabi's code of laws, consisting of 282 rules, established standards for commercial relations and set fines and punishments to meet the requirements of justice. The code contained very harsh punishments when compared to today's standards, providing some of the earliest examples of the doctrine of "lex talionis", better known as "an eye for an eye". For this reason, the punishments could end up being as severe as mutilation, dismemberment, or even violent death.

## **Plato and Aristotle**

As time passes and we meet philosophers, we get to understand crime and punishment and their importance. They helped humanity understand that the reason for committing a crime can have an impact on how severe a punishment should be. Particularly, Plato and Aristotle contributed to how the relationship between crime and punishment became on par with today's understanding of these terms, helping us know why it is equally important to uncover why a person commits a crime as it is to ensure others do not commit the same time.

Plato believed that a major reason as to why people commit crimes was because of a lack of education and wealth. Those who are born in poverty tend to grow up uneducated and illiterate, hence they are more susceptible to going rogue and becoming criminals, most of the time just to be able to afford their basic survival needs. While Plato believed that these crimes should be punished, unlike Hammurabi, he thought that the punishment should reflect the degree of fault rather than the severity of the crime.

Meanwhile, Aristotle thought that explaining punishments and responses to crime should be used as an opportunity to prevent others from jumping into the same pit. He believed that the punishment should be severe enough to prevent the rest of the society from committing crimes, while also reminding the criminal to not commit a crime again.

## **Roman Law**

Historically, committing a crime was commonly referred to as being on par with 'sinning', and punishing criminals was being 'doing God's work.' However, all of this was changed with Romans, who were the first people to look at crime and punishment as a purely human trait. That said, the Romans were still in the belief that committing a crime is an insult to society as a whole, so they established their own laws to bring order to society. Roman Law was a lot more focused on ensuring society's orderliness and safety, rather than pleasing deities. Roman Law also forms the most basic framework for the 21st-century laws we are familiar with today.

## **Middle Ages and Christianity**

The evolution and development of the laws to deal with crime were halted during the Middle Ages with the rise of Christianity, making it linked to the religion once again. Meaning, all crimes were considered to be acts against God, and punishments for these crimes were God's work. For this reason, these punishments were also designed to rid the criminal of the devil's influence, thus being cruel, severe, and often inhumane.

## **St. Thomas Aquinas**

Not until St. Thomas Aquinas wrote his "Summa Theologica" - a treatise on law, crime, and punishment - did the history of punishment turn towards secularism. Aquinas argued that a God-given 'natural law' existed and humans were designed to do good. Aquinas thought that when a person committed a crime, it was both an affront to God and society. He believed that both the victims and the perpetrators were adversely affected by crime. The victim was negatively affected because they were the victim of a crime, but the perpetrator had to be pitied because they moved farther away from God and lost their humanity by committing a crime.

## **Cesare Beccaria**

Years later, Italian author Cesare Beccaria argued in his book *On Crime and Punishment* that it is more important to prevent people from committing a crime proactively than to punish a committed crime reactively. He also believed that there should be laws and regulations when it comes to handing out punishments. This meant that judges were unable to enforce whatever punishment they wanted and were obliged to follow the legislature that specifically stated what punishment for certain crimes would be.

## **The Rise of Prisons**

Prisons were often used until the 18th century to house criminals until their trial or prior to their public corporal punishment. In deterring criminals from being repeat offenders or a legal way to prosecute an individual, they were not considered to be very successful. When legislators continued to outlaw public punishments, however, prisons began to become common. As a result, the prisons of the 18th century were severely overcrowded. Prisoners would frequently fall ill and die because in tight, dirty spaces they were crowded together. People started to suggest the need for prison reform, but it did not begin until the 19th century.

### **19th Century and Prison Reforms**

Prison changes took place in various cells in the 19th century. Advocates such as Elizabeth Fry sought to improve conditions for women in prison and taught them certain skills. Men's prisons often had cruelty, for instance by requiring inmates to stay isolated — often not permitted to speak — and inactive. Corporal punishment, including flogging, still was the practice only beyond prison walls — many inmates were killing themselves and this highly supported Fry's claims that prisons were inhumane and uncivilized. She encouraged changes to prisoners' life and helped to shift the attitude of society to prisoners — particularly that the better use of taxes was prisoners' rehabilitation.

### **Today**

As of the 20th century through today, since our understanding as to how humanity functions improved over time, prisons have become more and more humane and are offering better conditions. The cruel practices of the past remained in the past, as they are later understood to be ineffective in preventing criminals from committing crimes. Rather, we are focusing more on rehabilitation and reform now. Improvements within the prison system include improved food, wellbeing, and the ability for prisoners to take courses and learn practical vocational skills once released. We are now working on what caused them to commit crimes in the first place, rather than concentrating our attention on how to prosecute offenders for crimes they committed, and find ways to discourage them from seeking similar routes.