

Liberal vs Conservative – Crime & Punishment

In Canada two different approaches to crime and punishment are clearly in evidence between liberals and conservatives. In 1971 Solicitor General Jean-Pierre Goyer, announced in the House of Commons, that the Trudeau Liberal Government had decided to emphasize 'the rehabilitation of criminals, rather than the protection of society' in the administration of the criminal justice system; and subsequently the Liberal Party, while in power, totally transformed sentencing in the criminal justice system. Since 2006 the current Conservative government has struggled to restore the traditional justice system with its emphasis on protecting society and incarcerating criminals. What the Canadian experience highlights is the basic philosophical difference between contemporary liberals and conservatives in the administration of the criminal justice system: viz.

On the issue of crime and punishment contemporary liberals and conservatives differ fundamentally based on their contrasting views of human nature, the nature of moral values, and the cause of criminal activity.

In essence liberals believe that man is naturally good; that there is no absolute standard of morality to be taught and adhered to by all citizens; and that crime is a product of poverty and deprivation. Thus, society is held responsible for criminal behavior in supposedly having failed to provide for the material needs of the individual who commits crimes, and thereby having engendered the conditions that brought about the corruption of a naturally-good person.

In contrast, social conservatives believe that man is born with a natural capacity for good or evil; that there are absolute moral values (based on traditional religious beliefs and teaching) that need to be inculcated through the family, church, and school, to form an individual of good character and moral values; and that individuals of ill-formed character and defective moral values are responsible for crime, not socio-economic conditions. Conservatives believe that the poor and deprived are not predestined to criminality by their condition; and that individuals have free will and freedom of choice regardless of their particular personal circumstances. Thus, for conservatives, the individual is responsible for his or her criminal acts, and needs to be held accountable for them by society.

From this basic difference in the liberal and conservative views of human nature and the nature of moral values flows a contrasting attitude towards crime and punishment.

For liberals, the primary responsibility of the criminal justice system in the sentencing of a convicted criminal is the welfare of the individual on trial and his or her rehabilitation. The result is the imposition of minimal or conditional jail sentences, concurrent sentences, automatic parole after serving two-thirds of a sentence if not released earlier on parole, community service sentences, a two-for-one-credit for days incarcerated before sentencing, and an emphasis on returning the criminal to the community as soon as possible.

A critical importance is given to rehabilitation efforts aimed not at reforming the character of the individual, but rather on facilitating the criminal's re-integration into society. The suffering of the victims of crime is often of little, if any, concern in the sentencing process, and any real

punishment of the criminal is denounced as barbaric or vengeful. Society after all is responsible for crime, not the individual, according to liberals. If society would only establish well-funded social programs to eliminate poverty and deprivation, then crime would not be a problem.

If the early release of a criminal poses a potential threat to society, according to liberals it is a risk that society must bear for the welfare of the criminal, and the furthering of his or her rehabilitation and re-integration into society. To that end youth criminal records are destroyed on an offender reaching his or her age of majority; and criminals, including child predators, are readily granted pardons upon request (after three conviction-free years following the completion of a summary-conviction offence sentence, and after five conviction-free years following the completion of an indictable-conviction offence sentence), without the National Parole Board taking into account the nature or severity of their particular crimes.

Once a criminal is pardoned, his or her criminal record is kept inaccessible to the public. Society is left unaware of the threat that particular dangerous offenders pose to their person and property, family, and fellow citizens. After all, a criminal record inhibits the re-integration of criminals into society; and that is the primary purpose of the criminal justice system, according to liberals.

Throughout the whole judicial process under liberal judges there is a continual emphasis on the 'rights' of the criminal; and a total lack of concern for any right of society to be protected from the criminal, or any right of the victim to receive justice by having the criminal punished to the full extent of the laws established for the protection of the community.

In contrast, for conservatives the purpose of the criminal justice system is to protect society, and especially innocent children, from suffering any further injury or abuse at the hands of the criminal; to hold criminals accountable for crimes committed against the person and property of citizens; and to punish the criminal to impress upon that individual, and others of a criminal persuasion, that such criminal activities will not be tolerated by society. (In effect, career criminals and high risk offenders ought to be sentenced to the full extent of the law, and to serve consecutive sentences for each crime for which they are convicted; young offenders ought to be removed from the community and sent to a 'reform school'.)

For conservatives, rehabilitation of the common criminal is an ultimate aim, but it must take place through the reformation of the individual's character and moral behavior, and initially the criminal must pay his/her debt to society for the crime(s) committed. The incarceration of the criminal is necessary to assure the victims of crime that their loss and suffering are taken seriously by society; and that justice is being served through the criminal being held accountable for his or her acts, and punished to the full extent of the law.

Whether criminals are deterred by punishment, or whether they weigh the consequences of crime and punishment, may be a moot point, but for conservatives the removal of the criminal from society in payment for crimes committed is the best guarantee for the future security and safety of the community. It precludes the criminal from committing further crimes against society for an extended period of time, and from corrupting impressionable youths in the community. It also provides hardened criminals with time to contemplate at length the direction of their lives, with the prospect of awakening a desire to seek a better life and thereby facilitating their moral

rehabilitation while in prison.

For conservatives social programs to aid underprivileged communities and youth-at-risk can have value in discouraging criminal activity, but once a crime has been committed the criminal justice system must focus on the protection of society and the full enforcement of the law. Once incarcerated, the instruction of the criminal can take place to instill moral values, and respect for the persons and property of others.

For liberals, criminals have almost unfettered ‘rights’ to free association while in prison, to unlimited and unmonitored telephone contact with the outside world, to conjugal visits, to voting privileges, and to the ready grant of day releases (escorted or unescorted) and early release to serve their time in a half-way house; all aimed at facilitating the criminals re-entry into society as soon as it can be arranged. In contrast, for conservatives criminals upon conviction ought to lose their civil rights and privileges; and are entitled, as a human right, only to humane treatment while in prison.

To facilitate their moral rehabilitation, convicts upon incarceration ought to be isolated from contact with their former associates in the outside world, with the exception of family visits in a monitored environment; ought to be confined, with the exception of exercise periods, to their cells to contemplate their lives, rather than freely associating in gangs within prison; and ought to be closely monitored to ensure that they have security of person from assaults, extortion, and/or coercion, by their fellow prisoners, and are drug free. Most importantly, the incarcerated criminal ought to be taught moral values, and to receive (if desired) individual religious ministrations and instruction. Moreover, for conservatives the criminal ought to have to earn parole by his/her good conduct while in prison, and by showing evidence of a change of character and remorse for his/her past behavior.

For liberals the criminal justice system must be proactive in seeking to make allowances for perceived social inequalities, disabilities, and disadvantages, and as a result sentencing in Canadian criminal trials is often based on liberal beliefs and social engineering concerns, mixed with moral relativism, rather than on the corpus of criminal law. In contrast, for conservatives the criminal justice system ought to rest on: *fixed laws*, established for the welfare and safety of the public by the duly-elected representatives of the people through their legislature, with a set and known punishment for breaking each particular law; *equality before the law*, regardless of race, religion, gender, sexual persuasion, or socio-economic status; and *a commitment to the full application of the established criminal law by the courts*, for the security, protection, and well-being of society.

Liberals maintain that the sentencing of criminals to the full extent of the law, and to serve consecutive sentences for each particular crime of which they are convicted, amounts to ‘warehousing’ criminals, and would involve unacceptably heavy costs – an estimated \$1.8 billion over five years for building new prisons, and \$1 billion per annum in increased operation and maintenance costs. For conservatives this argument is totally specious. What it fails to take into account is the terribly heavy economic and social cost of criminal activity on society – an estimated \$100 billion per annum (2008 Study), and incalculable suffering – when career criminals are given minimal sentences and freed to engage in the drug trade, to perpetrate

business and credit card frauds, car thefts, robberies, and extortions, and to commit assault and battery against innocent persons, and even murder.

Liberals also fail to take into account the heavy policing and criminal court costs imposed on society in apprehending, defending, and convicting repeat offenders in a revolving door justice system, not to mention the heavy insurance and security costs incurred to protect against property loss and personal injury due to their ongoing criminal activities. What cannot be measured, however, is the extent of the emotional pain and suffering experienced by families who suffer the loss, or abuse, of a loved one at the hands of a repeat offender in knowing that the criminal justice system failed to protect them against a criminal predator by placing the 'rights' of an incarcerated criminal above the protection of society in a revolving door justice system.

In sum, with respect to the application of criminal law there is an undeniable and fundamental difference between liberals and conservatives. Ultimately it derives from their differing views of human nature, the nature of moral values, and their resultant differing beliefs as to where responsibility lies for criminal behavior. Given their contrasting beliefs, it is not surprising that it is conservatives who champion a policy of incarcerating criminals to the full extent of the law (a so-called 'getting tough on crime' policy); and that it is liberals who advocate minimal sentences and community service for criminals.

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