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Kent Perry's argument that we should change the principle of our corrections system from rehabilitation to retribution fails.

In this paper, I intend to point out a fatal flaw in Perry's argument for retribution, or "simple punishment." Perry argues from a utilitarian viewpoint that rehabilitation does not work, but his argument for retribution does not address the objections that he put forth against the current system.

Perry's argument is twofold. First, he argues that our current system of corrections is based on the idea of rehabilitation and does not work, and that this, coupled with social problems, has left us with an unsafe environment. Second, he argues that we should change the basis of the corrections system from rehabilitation to retribution as a way of solving this problem. He states that the alternative to this solution "is to continue to be held hostage to our own inaction" [?].

Perry fails to connect his argument for retribution to his argument against rehabilitation. Perry's arguments for retribution do not address the issue of improving safety. Instead, he makes extensive use the premise that prisoners deserve to be punished. For instance, one of his arguments is, “If an individual commits an act deemed so morally repugnant that he is sentenced to life in prison, then why shouldn’t he stay there until overtaken by old age?” [**?**].

Perry does argue that capital punishment is a deterrent, but he does not press the point. He states that capital punishment deters a criminal from repeating his crime, but reference to this obvious kind of deterrent is weak as a utilitarian argument compared to deterrent by example. As Bentham says, “Example is the most important end of all, in proportion as the *number* of the persons under temptation to offend is to *one*” [**?**, footnote to p. 58, emphasis in original]. In addition, Perry closes this argument with “if [the death penalty] is going to be used, it ought to be because the condemned party deserves it, not because of some theoretical debate over its effect on crimes not yet committed” [**?**], indicating that he is concerned with desert rather than utility.

Perry commits a fallacy by arguing that we should change the basis of our corrections system to a particular new one simply because our old basis allegedly does not work; he must show that his alternative is an improvement. This is not a trivial point. In 1959 Karl Meninger wrote, “Today it is no secret that our official, prison-threat theory of crime control is an utter failure” [**?**, p. 173]. Perry gives us no reason to believe that retribution will work more effectively now than Meninger claims it worked then.

References

[1] Bentham, Jeremy, “Punishment and Utility.” *Punishment and Rehabilitation.* 2nd ed. Ed. Jeffrie G. Murphy. Belmont: Wadsworth, 1985. 55–67.

[2] Meninger, Karl, “Therapy, Not Punishment.” *Punishment and Rehabilitation.* 2nd ed. Ed. Jeffrie G. Murphy. Belmont: Wadsworth, 1985. 172–179.

[3] Perry, Kent W., “Cops: We’re Losing the War.” “My Turn” *Newsweek.* V. 113 No. 11, March 19, 1989.