



Research Paper

Justice for the Greater Good

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Abstract

This paper critiques the moral and practical limitations of retributive justice, arguing instead for a utilitarian framework that emphasizes deterrence, rehabilitation, and societal benefit. Retributive justice, though emotionally satisfying to some, often fails to reduce crime and may exacerbate harm through disproportionate punishment. Drawing upon empirical research from criminology, philosophy, and international corrections systems, the paper demonstrates that harsher sentences do not effectively deter crime, while rehabilitative and restorative models consistently lead to lower recidivism and greater community well-being. Through comparative analysis and hypothetical reasoning, the argument is made that justice should be grounded not in moral desert but in outcomes that maximize the greater good. The essay concludes that treating offenders more humanely is not an act of leniency but a rational, evidence-based approach to public safety and justice.

Keywords: *Retributive Justice; Utilitarianism; Rehabilitation; Restorative Justice; Criminal Sentencing; Recidivism Reduction*

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I. Introduction

Centuries ago, Shakespeare's *Hamlet* asked, "Use every man after his desert, and who should 'scape whipping?"—a question that still defines humanity's struggle with justice. Should the law treat offenders exactly as they deserve, or better than they deserve? If the law punished everyone strictly in proportion to wrongdoing, no one would be innocent. Yet much of the modern criminal justice system—especially in the United States—still embraces retributive justice: punishing offenders in proportion to their wrongdoing, regardless of whether it improves society. According to Black's Law Dictionary, an "offender" is a person who has committed a crime or broken a law. Retributive justice, a traditional model of punishment, asserts that offenders deserve punishment in proportion to the moral seriousness of their act, assuming full agency and rational choice. However, the law should not focus on giving people what they deserve. Retributive justice fails because it prioritizes moral satisfaction over societal improvement. Instead, justice should focus on what does the most good: deterrence, rehabilitation, and reintegration. Treating offenders better than they deserve is a more effective, more just, and a more humane way of promoting the greater good.

Retribution

A central weakness of retributive justice is that it often appeals more to emotion than reason. The Stanford Encyclopedia of Philosophy notes that retributive thinking is sometimes driven by deeply ingrained instincts of anger, moral disgust, and what Nietzsche called resentment—a "witch's brew" of fear, hostility, and moral self-righteousness. Retributive justice can quickly become a socially sanctioned form of revenge, cloaked in the language of fairness.

"Desert" holds that individuals should be punished because they chose to do wrong, and by their degree of doing wrong. This logic assumes, however, that offenders had complete moral or mental clarity and control over their actions. In reality, as Robinson and Kleinfeld point out, many crimes are committed in the heat of the moment or under the influence of things like mental illness, trauma, poverty, or addiction. If moral responsibility is not always full or clear-cut, then neither is the justification for retributive punishment. Similarly, deterrence through retributinal justice depends on the assumption that people consciously weigh risks and consequences. Yet most offenders do not calculate potential punishments; they act impulsively, or emotionally.

Severity of punishment rarely deters crime. The National Institute of Justice (NIJ) emphasizes that “the certainty of being caught is a vastly more effective deterrent than even draconian punishment” (NIJ, 2016). In other words, people are more influenced by the chance they’ll be caught than by how harsh the punishment might be. Most offenders either assume they will get off free or don’t weigh consequences at all when committing crimes.

Increasing the severity of punishment, especially through long prison sentences, has minimal impact on crime rates. According to the NIJ, “more severe punishments do not ‘chasten’ individuals convicted of crimes” and may actually increase recidivism. Harsh prison environments often serve as “schools of crime,” where inmates reinforce each other’s criminal behavior. Rather than reducing future offenses, time in prison can desensitize individuals to incarceration and embed them more deeply in criminal networks. As such, increasing sentence severity rarely reduces crime but does result in greater harm and diminished justice.

Furthermore, many people “age out” of criminal behavior naturally. The NIJ notes that crime rates decline sharply after age 35, even for those who previously offended at high rates. Locking people up for extended periods, especially past the point when they are statistically unlikely to reoffend, achieves little beyond unnecessary social and economic costs.

These results show a fundamental flaw in deterrence-based sentencing. It assumes rational people who calculate risk, but in reality, most crimes are committed impulsively or under emotional distress. Therefore, punishment strategies that emphasize certainty of enforcement—such as community policing, hot spot patrols, and visible law enforcement presence—are far more effective than increasing sentence length alone. This shift in strategy also builds community trust and cooperation, unlike overly punitive systems that alienate and harm those they aim to protect.

Retribution has no social utility and provides no space for personal transformation. It punishes based on who someone was at the moment of the crime, not who they could become. Take, for example, a rapist who becomes terminally ill and poses no future threat. If justice were concerned only with deterrence and incapacitation, a symbolic punishment would suffice. Think about it completely logically: even when a person commits the worst crime, is there any point in actually punishing them? The only necessary thing to do is to inform others that the offender is punished (for deterrence), but what actually happens to the offender does not matter at all. Giving him a lifetime of security jail or a lifetime in a fabulous mansion doesn’t reverse the crime that has been inflicted, nor does it influence the outside world. From a practical standpoint, all we need is deterrence. If people believe crime leads to unpleasant consequences, that belief does more to shape behavior than any actual suffering behind prison walls. So why do we insist on pain? The only argument is an ethical one, one based on emotion and vengeance, which is not completely wrong, but rather unnecessary. As the *Stanford Encyclopedia of Philosophy* describes, “you could sentence [an offender] to spend his days on a tropical island where he has always wanted to go... [with] one condition... he must regularly report to a prison to be filmed in prison garb, and these videos will be posted online, sending the message that he is serving hard time for his crimes.” As long as the public believes justice is being served, general deterrence could be preserved. Yet many would still feel he deserves worse even if nothing good comes from further punishment. This reveals how retributive justice clings to past wrongs even when additional suffering serves no public benefit—prioritizing moral satisfaction over practical outcomes.

Harsh punishments can also be counterproductive. If the penalty for rape and murder are the same—say, the death penalty—a rapist may reason that he might as well kill his victim to eliminate a witness. In this case, retribution creates a deadly incentive. Robinson and Kleinfeld point out that many crimes are committed in the heat of the moment, with little regard for consequences. For such offenders, harsher penalties do not deter—they just impose greater harm after the fact.

Rehabilitation

Human fallibility is universal. A justice system that believes in second chances affirms a belief in the potential for change and redemption. Criminologists Robinson and Crow argue that rehabilitation should be a central aim of justice - not as a soft alternative to punishment, but as a moral and practical necessity.

Rehabilitation targets the root causes of crime. According to the U.S. Department of Justice Archive on Prison Reform, education, counseling, and vocational training in improving inmates’ behavior both while still in prison and out. Rather than punishing and hoping the person will learn and change, rehabilitation actually teaches how.

Rehabilitation programs in prisons typically fall into three major categories: occupational, psychological, and educational. Occupational rehabilitation teaches inmates not just trade skills but also life skills like financial management, job search techniques, and communication strategies—addressing both employment and social reintegration. Psychological rehabilitation includes substance abuse treatment, anger management, and therapy programs designed to tackle the mental health challenges underlying criminal behavior. Educational rehabilitation, supported by studies from the RAND Corporation, has shown that inmates who participate in education programs

are up to 43% less likely to reoffend. These programs—ranging from GED completion to college-level courses—improve not only post-release employment outcomes but also prison safety and morale.

Utilitarian justice focuses not on what a person deserves, but on what response will lead to the best outcome for society. One key response is deterrence, which aims to prevent future crimes by discouraging both the offender and others from breaking the law. Under this view, punishment is justified if it reduces the likelihood of future harm—not as retribution, but as a practical tool for public safety. Alongside deterrence, utilitarian approaches support rehabilitation and reintegration, which work to address the root causes of offending. Rather than satisfying desires for vengeance, the criminal justice system, through a utilitarian lens, exists to reduce harm and promote the greatest good for the community as a whole.

The results are clear. Programs that contain rehabilitation—such as therapy, addiction treatment, and skills training—consistently reduce recidivism. People who are supported in changing their lives are more likely to leave crime behind. In contrast, systems that use desert-based punishment often return people to society more damaged than before. Countries that treat offenders more humanely—like Norway, Germany, and the Netherlands—have shown that dignity and prevention outperform harshness. A justice system built on trust, opportunity, and reintegration reduces crime more effectively than one built on fear. Inmates live in conditions that resemble dormitories, receive counseling, and prepare for life after release. Norway's recidivism rate is around 20%—compared to over 60% in the U.S.. Germany and the Netherlands also emphasize early reintegration and community sanctions. Again, they have significantly lower incarceration and reoffending rates than the U.S., without any increase in crime.

Counterarguments

Critics argue that retributive justice satisfies victims' needs for balance. The 2015 short film *The Disappearance of Willie Bingham* dramatizes retributive justice taken to a grotesque extreme: victims are allowed to decide, limb by limb, how much of an offender's body should be amputated to feel justice is done. The film serves as a disturbing allegory for how punishment, when guided by vengeance rather than reason, can spiral into state-sanctioned cruelty under the guise of moral balance.

However, a restorative approach doesn't ignore harm—it directly engages with it. Victims often report greater closure and healing when they participate in processes that seek to repair the damage, not just punish the offender. Justice is better served when it is about making things right, not simply making people suffer.

A 2022 systematic review published in *Trauma, Violence, & Abuse* analyzed 35 empirical studies and found that restorative justice (RJ) practices significantly improved the psychological well-being of victims. These effects included a reduction in post-traumatic stress symptoms, lowered levels of anger and anxiety, and increased perceptions of safety and empowerment. Victims often reported a sense of closure and healing after participating in victim-offender mediation, especially when the offender expressed genuine remorse. These meetings also fulfilled key emotional needs: to be heard, to gain information, and to feel validated. Unlike conventional systems that frequently exclude victims from the process, RJ centers their voice, which helps transform them from victims into survivors. Thus, far from neglecting victims, restorative justice offers them psychological relief that punitive systems often fail to provide.

II. Conclusion

Justice should not satisfy outrage. It should be about building a more secure, healthier, more stable society. Focusing on outcomes means acknowledging the different layers of crime and human behavior. It also means recognizing that moral "balancing" often does little to address the actual harm done, nor does it prevent future harm. A purely desert-based approach may punish someone severely, but if that punishment neither deters nor reforms, what has truly been gained?

Justice should not be about giving people what they deserve, but about making society better. Treating offenders better than they deserve is not leniency or softness; it is a deliberate, evidence-based strategy for reducing crime, repairing harm, and promoting long-term safety, or in other words, serving the greater good. Retributive justice may seem attractive due to its "balanced" nature, but it rarely produces better outcomes. A system rooted in restoration, second chances, and the belief in human potential is not only more humane—it is more effective.

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