



Crime & Punishment

James Alan Fox on criminal behavior and the justice system

YOUTH VIOLENCE

What if your child were murdered?

Posted by James Alan Fox, Crime and Punishment March 31, 2010 02:26 PM

In debates about punishment, whether focused on the death penalty or adult sentences for juvenile offenders, I often get asked how I'd feel if it were my loved one--my wife or my child--who was murdered. Sometimes the question is posed in a respectfully polite way, as in a comment to my recent posting on juvenile life without parole. Yet occasionally there is a more threatening undertone accompanied by the suggestion that people like me are what's wrong with the criminal justice system.

I can tell you with complete certainty that my response to such a "God forbid" event would be emotional, irrational, and extreme. My impulse, although a controllable one, would be to want vengeance. However, for the most part, it is not relevant how I would feel and what I would wish for under such a devastating hypothetical.

Isn't it ironic that those who clamor for stiffer penalties are rarely asked if they would feel any differently were it their child who was accused of murder?

It is fortunate if one never has to experience the role of being a parent of either a murder victim or a murderer. Although different, both are horrible nightmares that one shouldn't wish on a worst enemy.

Just as it would be absurd for the relative of a victim or a defendant to serve as judge or jury, it is inappropriate to base sentences on what either side (victim or defendant) wants. Of course, there is nothing wrong with considering opposing perspectives. But at the end of the day--or the end of the trial--the criminal justice system must remain objective and dispassionate. Sanctions should be based on what is appropriate, proportional and just.

Several years ago during the 2006 gubernatorial race, then candidate Kerry Healey pressed Deval Patrick to choose a side: was he going to be on the side of victims or that of criminals. Actually, any fair governor should take neither side, but adopt the impartial side of justice.

Similarly, for me, as a criminologist, questions of crime and punishment are based on policy, not personal agenda. So please don't ask how I would feel if... It really shouldn't matter.

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