

[What price justice?](#) [1]

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Courts are working around the clock to bring justice to the looters. However, at a time when the nature of society itself seems to be up for debate, we should call into question the way we do justice in this country. Instead of having a system balancing restitution, retribution and rehabilitation, we appear to have focussed on the penal effects of prisons to the exclusion of both sense and cost.

Laying down the law as a deterrent is all well and good, but it comes at a cost: is it really worth spending around £10,000 to lock up a man for 3 months, convicted of opportunistically grabbing nothing but £3.50-worth of bottled water? That is not to excuse his actions, but to question the sense in asking the taxpayer to pay even more for this person. Just as many on the 'left' are willing to say their latest pet project should be provided whatever the cost, those on the authoritarian 'right' are equally willing to fetishise justice.

Part of the problem right now is the furious demand for revenge. Rather than identify the underlying causes of the riots, the government seems to be sticking its fingers in its ears and screaming that any attempt to offer an explanation is to excuse criminality. At the same time, it seems to forget the extent to which short prison sentences are akin to criminal training courses - with a recidivism rate of around two thirds, the government is making large numbers of people into fully-fledged criminals.

The truth is that most people are opportunistic. Along with the capability for good and bad, we act according to perceived benefit and cost. Those who looted were not only caught up in mob hysteria, but judged the costs of breaking the law to be lowered by the lack of a police presence. What was alarming, however, was that for so many, they were lowered so much further by the lack of any social constraints on their behaviour. Humiliation and ostracism, along with education and tradition are usually sufficient to stop people attacking one another as we are naturally social beings.

But the momentary collapse in state-enforced law and order revealed the extent to which these social constraints had been hollowed out. Part of this is due to the subsidisation of particular behaviours, and part is due to the crowding out of social and family bonds by the Entitlement State. We must find a way to stop these social constraints from being undermined, and re-examine our unhealthy obsession with retribution at any cost.

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