

ANALYSIS: JAMES WILSON ON CRUEL AND UNUSUAL PUNISHMENT

Directions: After reading excerpts from “A Charge Delivered to the Grand Jury” (1791), read each quote and accompanying scenario. Then fill in the chart, explaining what Wilson’s response would likely be to each scenario and why.

EXCERPT FROM WILSON’S “CHARGE”	SCENARIO	WILSON’S LIKELY REACTION
1. To prevent crimes is the noblest end and aim of criminal jurisprudence.	A new school policy requires a minimum three-day suspension for fighting on school grounds. One year later, fighting in school is down by more than half.	
2. There are, in punishments, three qualities which render them the fit preventives of crimes. The first is their moderation.	A town enacts a curfew for individuals under age eighteen. Anyone under age eighteen who is found out after 10:00 P.M. will be placed under house arrest for six months and fined \$5,000.	
3. The second is their speediness.	A man who has confessed to more than a dozen armed robberies will serve ten years in prison as part of a plea bargain, but he remains free on bail for a year until his formal sentencing hearing.	
4. The third is their certainty.	A teacher explains that anyone who disrupts class will be given a detention, but several students who loudly disrupt are not given detention.	
5. A nation [that tolerates] cruel punishments becomes dastardly and contemptible.	A government responds to a rising crime rate by requiring a lifetime in solitary confinement for all violent crimes. An advocacy group petitions lawmakers to reconsider the policy, and after a national debate, the requirement is repealed.	
6. For nations, as well as individuals, cruelty is always attended by cowardice.	A state which imposes the death penalty by electric chair has three executioners throw three switches at the same time, so that it is never known which switch, and therefore which person, actually executed the prisoner.	