

Ethical treatment of prisoners

[Sociology](#), [Ethics](#)



When there are million's of people incarcerated throughout the United States, the ethical treatment of prisoner's rights must be analyzed.

Throughout the years many modifications have been made to accommodate inmates and preserve their basic human rights. Have we as a society done enough regarding the ethical treatment of prisoners or have we made their lives in prison too easy that it is no longer a punishment for them? There are many people in the United States who have strong feelings of what is right and wrong and fall on both sides of this question.

Utilitarianism is the belief that moral rules should be choices made by a society to promote the happiness of its members (Mosser, 2010). Through the utilitarian view the argument could be made that these prisoners are being treated to good and not good enough. Utilitarianism gives an understandable, theoretical foundation for moral decision making. Prior to coming to a decision upon a course of action, the utilitarian is asked to consider its effects on the entire population over an infinite period of time (Mosser, 2010).

One problem with this method of decision-making is that many people might not agree with the premise that maximization of happiness should be the basis for morality. An example of this is an eye for an eye and earlier in the United States' history this is how prisoners were treated. Now an eye for an eye is no longer accepted in our society. Our society's ethical values have changed. For hundreds of years, prisoners had no rights. That is until 1909 when the Georgia Supreme Court ruled that although convicts have lost their freedom; they do have civil rights (Davenport, 2009).

During this era, institutions were legally immune in state and federal courts from lawsuits, also called the hands-off doctrine, wardens ran their facilities as they felt necessary and were not held accountable for the conditions that existed in their facility (Davenport, 2009). Prisoners were beaten regularly and denied the basics such as food, medical care, and protection from staff or other inmates. These horrid conditions continued for many years. In the 1960's several legal avenues opened for prisoners. Prisoners would now have the ability to have their grievances heard in state and federal courts. One of the major changes that enabled this is the cruel and unusual punishment clause of the Eighth Amendment; another is the civil rights provisions of Section 1983 of Title 42 of the U. S. Code (Davenport, 2009). The Eighth Amendment asserts that excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted (Davenport, 2009). The cruel and unusual punishment clause was not intended for prisoners; rather the focus was on punishment outside the law.

The clause also did not apply to state prisoners. The Supreme Court heard very few cases in this era. In the 1960's, the Supreme Court began to incorporate the Bill of Rights to state laws. This meant the cruel and unusual punishment clause now included prisons and prisoners. Prisoners then began to file suits to change the way prisons operated, citing cruel and unusual punishment, inadequate healthcare, demanding more access to courts and due process. The Supreme Court in essence used morals to guide their decision to give prisoners rights under the law using utilitarianism.

Before deciding upon a course of action the Supreme Court saw what was best for the entire population over an infinite period of time and based their moral decision on that. In a straightforward explanation, the word ethics means; a system of moral principles, the rules of conduct recognized in respect to a particular class of human actions or a particular group, culture, etc. , moral principles as of an individual, and that branch of philosophy dealing with values relating to human conduct, with respect to the rightness and wrongness of certain actions and to the goodness and badness of the motives and ends of such actions (Mosser, 2010).

Even the definition, as clear as it is, cannot begin to encompass what this word truly means to those who live in and work for our justice system. Depending on the branch of the justice system that they are employed in, each person will have their own set of moral and ethical values, as well as those that are required by the position they hold. The tricky part can be to decide which set of values to follow in a situation where there may be a choice, and if so, how does one go about making that choice. Do they possibly sacrifice their personal ethics to follow those that are required by their position?

Is it ok for them to bypass those standards of their professional code of ethics in order to maintain their personal standards? When it gets to the point of questioning whose ethics to follow, one has to wonder who decides which set of ethics is more important and if there is a difference? People who are employed in the justice system have to exhibit strength of mind and body to prove they are worthy to be in charge of those who may be a danger

to society. This fact alone places these individuals in a position of power, and without a personal and professional code of ethics to live by; this power could be taken out of context.

This could lead to damage within the system, as well as out on the street. For these people must make moral decisions everyday. A personal set of ethics can often be hard to define. Ethics are not on a person's mind as they make various choices throughout the day. When a person sub-consciously makes one judgment or another, they are not aware that ethics plays a role in the decisions that are made. A three-by-3.6 meter room houses two couches, a television and a small bookshelf. To the right of the entryway is a bathroom with a single shower, sink and toilet.

To the left, a doorway leads to the sleeping area. Eight beds are crammed in, heads to the walls, and none of them more than two-thirds of a meter apart. "Six are single beds, and crowded against the back wall is a bunk. A 5.4-by-six-meter sleeping area has been housing up to eight women at a time" (Perry, 2006). This situation is typical of the smaller prisons across the United States. The prison systems blame these accommodations on limited resources and state they are doing the best they can (Perry, 2006).

An average prison cell in the United States federal prison system is 6 feet by 8 feet and they usually are home to two inmates at a time. Older prisons cell sizes are smaller usually 6 feet by six feet and house two inmates as well (Swartz, 2011). Death row inmates are always housed by themselves while awaiting appeals or their turn to die for the crime which they are convicted of. The utilitarian could see these conditions as unacceptable and want to

change them but they would ask themselves first if this is best for the entire population.

Utilitarianism would make the argument of whether these prisoners are being harmed in these conditions, can the country afford to rebuild prisons and make the cells bigger all the while thinking about the entire population as one. Egoism contrast with utilitarianism, in that egoism is subject-focused and utilitarianism is objective and impartial as it does not treat the subject's own interests as being more or less important than the interests, and/or well-being of others like ethical egoism does (Mosser, 2010). Ethical egoism states that a person's actions should be done from the perspective of self-interest (Mosser, 2010).

When using ethical egoism universally the individual would not be concerned about prisoners and a prisoner would only be concerned with themselves and not any other prisoner. Also, the countries population would not be concerned with how prisoners are treated whether good or bad because their own self interests are not being interfered with. One of the problems with ethical egoism is that it might not be in one's self-interest to have everyone act from the perspective of self-interest. In examining ethical egoism and utilitarianism my personal view is definitely closer to utilitarianism than ethical egoism.

Utilitarianism is an exceedingly, even extremely demanding moral view for most people. If we have a duty to always bring about the best outcome, than any time we can increase the well-being of others, we have a moral duty to do so. I believe it is morally better to help the most people at a time than to

serve the self interest of one person. An argument in opposition to ethical egoism is that the theory does not provide a way to solve conflicts of interest. For example, some prisoners are murderers and child molesters which contradict the views and interest of those who are sworn to guard and protect them.

Ethical egoism would say that everyone should pursue his or her own interest and does not identify some solution that people should morally agree to. The guards may morally think it is okay that these prisoners should die but they do not take it upon themselves to carry out their own self interest instead they do what is best for all involved. Egoism tells each person to do what is best for his or herself and whatever happens, happens. And yet many people think that a moral theory ought to resolve these conflicts in some principled way.

The thought here is that a moral theory should provide a solution to conflicts that makes everyone happy, because a resolution will ultimately lead to compromise and sacrifice. The thought is just that a good moral theory will have some better way to resolve conflict than resorting to fighting.

Utilitarianism does seek to make the best moral decision for the most people as opposed to ethical egoism which is only concerned with the self interest of one person. An argument for Utilitarianism is that it takes into account all of the variables of a situation as a contributing factor as to whether something is ultimately beneficial or detrimental.

The quantity of people being affected, the standards of right and wrong, and the origin and results of cause and effect, and what will promote pleasure

and prevent pain. The treatment of prisoners was taken into account when the Supreme Court made its rulings and everyday by those who are responsible for the prisoner's care (Scott, 1985). The laws took into account the effect it would have on a great amount of people using the right standards that would eventually prevent the unethical treatment of prisoners. An ethical egoist would never have considered any of this as they would be too self involved.

Throughout prison history there have been riots started by prisoners because their demands were not being met. Sometimes this rioting stemmed from the treatment of prisoners by the warden and/or the guards of the prison. Some rioting would begin simply because of the situation at a prison such as being heavily overcrowded and drastically understaffed which sets up a perfect opportunity for prisoners to gain control of a prison (Swartz, 2011). An ethical egoist would make the decision to let the rioting continue because to stop it would involve their contribution.

They might also think they could get injured and that would not be in their best self interest. Utilitarianism thinking would assess the situation and bring in more law enforcement officers to quell the situation as fast and as safe as possible because it is not only the right thing to do but better for the entire population of prisoners, guards and outsiders. The question was asked if we as a society have done enough regarding the ethical treatment of prisoners or have we made their lives in prison too easy that it is no longer a punishment for them.

I think we have done enough regarding the ethical treatment of prisoners. My personal beliefs are that we have made their lives in prison too easy and in some prisons their time away is not a severe enough punishment for the crimes they have committed. I do not think prisoners should be allowed to watch television unless it is showing corrective behavior programs or censored news. If prisoners are good and they were convicted of a somewhat minor crime then they could be shown a movie as a reward only. I think prisoners should have to work while they are in prison to help pay for the cost of housing and feeding them.

The focus now is mainly on the individuals who are entrusted to watch over the prisoners on a daily basis since the laws are in place to protect the prisoner's rights. The prison guards must maintain their professional code of ethics regardless of their own personal morals. The laws set in place are there to protect the prisoners and the guards and to deviate from them could be detrimental to either one. These guards who are in power have to put aside their own ethics to do the job they are required to do.

As much as they may want to beat the life out of a child molester they can not and if they did they would be doing so in their own self interest as we know is ethical egoism. Through the utilitarian view the right thing to do for the most people to create the best effect would be for the guard to follow the law because the people of the United States will not stand by while guards are taking it upon themselves to pass judgment on prisoners whenever they disagree with what the prisoner was convicted of. Those employed in the justice system can not question whose ethics to follow.

They know they have to follow the law regarding prisoners and to push their own personal ethics aside. If those who are employed in the justice system can not seem to set aside their personal set of ethics they should find a new job for the safety of the prisoners and themselves. Some philosophers make their mark on people's lives through their values and ideas to which theories of ethical and moral development are created and based upon the society and time in which the philosophers believe that they are able to change the world. Not always will a philosopher's ideas meet the standards the people or societies as a whole have set.

Just as within each society there are different ethical values the people hold on to. Within the United States we have a country of people with varied ethnic backgrounds and so overtime we have seen changes in some of the moral values of this country. The way we treat prisoners in this country may be considered too humane to some people because of what is done to prisoners in their country of origin. As our country becomes a melting pot of changing morals and ideals we as a society may see the treatment of prisoners is already ethical enough.

The utilitarian theory looks at the consequences of a particular action and determines the morality based upon the amount of happiness everyone will experience because of that action. Our justice system is not based on utilitarianism because the criterion for the basis of morality driven convictions or treatment of those who have committed crimes is not enough. The justice system does not take into account what would make the most people happy regarding the treatment of a prisoner who killed a child but the

system does follow the laws in place and therefore people are satisfied with that.

Still the action itself needs to be taken into consideration to truly ascertain the complete morality of an action in its entirety. Thus, while determining the rights and wrongs of an ethical theory one ought to take into consideration and direct their attention on the consequences like the utilitarian theory advocates, but also take into consideration the many other factors that get one to make the decision and how it affects the people around oneself.

Do not think as an ethical egoist would but as someone who cares about others would. The million's of people incarcerated throughout the United States had their day in court and are now housed in a penal institution to serve out their sentence. As a society we have passed ethical laws to protect the prisoners against harm from others and to make sure they are treated with respect. Through the eyes of utilitarianism arguments are made that these prisoners are being treated to good by some and not good enough by others.

Regardless of which theories or ethical beliefs a person chooses to believe in they must follow the law or they could end up as a prisoner in the United States. Those in the justice system sworn to guard prisoners can not choose to follow their own beliefs but they must follow the laws and policies set forth before them. Ethics as a form of intellectual inquiry does not provide answers to moral questions. People with beliefs about right and wrong do. Societies are built upon those beliefs.

As we have analyzed the ethical treatment of prisoners with theories of ethics we can argue that society's views of right and wrong coincide with reality, are representative of the objective moral order, and encompass the will of the people with regards to their treatment. I can say that I believe my views are objectively true on the basis of the ethics of belief and the best I found from all sources that are rooted on what experience and understanding teaches us about what transpires in real life when chosen theories prevail.

Reference

<http://www.frontiernet.net/~kenc/belief.htm>

<http://www.loc.gov/rr/program/bib/ourdocs/DeclarInd.html>