

Theories of the reasons for incarceration



The purpose of corrections is to segregate criminals from the society in which they would function in (Reynolds, 1). Four theories that have been explored throughout our history are the Retribution Theory, Deterrence, Incapacitation, and Rehabilitation Theories.

The Deterrence theory maintains the notion that, “ The fear of punishment can reduce or eliminate undesirable behavior” (Lumen, 1). Supporters of this theory believe that punishment will teach a lesson to others, therefore preventing crimes. This theory has been used throughout our history.

Criminals would be punished through the cutting off of hands or feet with the belief that it would create a panic in the minds of criminals frightening them from committing a similar crime (Pooja, 2). Today’s theories of deterrence can be credited to Cesare Beccaria and Jeremy Bentham, legal philosophers from the Enlightenment Era. Beccaria believed, “ It was better to prevent crimes than punish them” (NAP, 3). Bentham and Beccaria believed, “ For deterrence to work, there are three elements that must be present: punishment must be administered celerity, certainty, and appropriate severity” (Lumen, 4). This theory rationalizes that if the punishment outweighs the rewards, then people are less likely to commit the crime. The Retribution Theory maintains that criminals should be given the punishment that they deserve and should fit the crime that they have committed. The old saying, “ Eye for eye and tooth for tooth” was popular in ancient times. If a family member was murdered, then it was believed that their relatives were to take revenge and kill the murderer (Pooja, 2). The phrase, “ just deserts” was often used to describe a punishment that was equal to the crime committed (Lumen, 4). It was believed that if the criminal was tried

and found guilty and allowed to be punished by family, then it would satisfy the need for revenge. This theory has been seen as cruel and inhuman by most societies (Pooja, 2).

The theory of Incapacitation maintains that if criminals are locked up in secure confinement, then they are unable to commit crimes on the rest of society. There are two types of incapacitation, selective and collective. Selective isolates individuals that are seen as dangerous from society. Collective imposes the same sentence for similar crimes (Pooja, 3). There are advantages and disadvantages of incapacitation. One advantage is that while the criminal is locked up, the offender cannot commit crimes. The disadvantage of incapacitation is the cost of long prison sentences and the expenses of housing criminals (Lumen, 3).

The Rehabilitation theory seeks to help criminals become productive members of society. Programs that focus on educating, job training, drug treatment, and anger management aim to help rehabilitate criminals (Lumen, 4). This theory assumes, " Individuals can be treated and can return to a crime free life" (Lumen, 4). Rehabilitation is defined in the correctional system as, " The assumption is that individuals are not criminals all the time and that it is possible to reform them through appropriate intervention and programs provided in a confined and insulated environment"(Bayley, Gutierrez, Stringham, Kapenda , 1). Throughout history, society has developed ways to punish individuals who have been accused of committing crimes against others. Punishments have included, torture, whipping, branding, mutilation, and even death. During the Middle Ages, harsh punishments and tortures were imposed on individuals who were found

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guilty of crimes. They were beheaded, limbs were cut off, and often tortured until they confessed even if they were innocent (Nash, 1). Status often played a part in the degree of punishment imposed and those who were poor were often victimized. Royalty and high officials were exempt from punishment. People of wealth could compensate the victims or their families while the poor suffered severe punishments (Nash, 1). Roman and Greek laws stated, “ Only slaves were allowed to be tortured”, but in time the laws changed, and free men were tortured and imprisoned for crimes committed (Nash, 1). In England, laws used torture as punishment, often putting them in stocks to be beaten by people of the town. This punishment was abolished in 1837 (Sage Publ., 20).

Galley slavery was used in the late Middle Ages in Europe and England. Life sentence in the galleys was considered the next most severe punishment after execution. The life of a galley slave consisted of being chained to oars about 45 feet long. Galleys were small and food was usually small rations of food and water. Guards carrying whips were present in each section of the ship to control galley slaves and make sure that they carried their weight (Lamont, 1). Galley slaves were often sentenced from 10-12 years living in harsh and dangerous conditions. The demise of galley slavery led to the emergence of prison systems in Europe.

A need for order was imposed to keep up with the growth of the poor towns. Housing, food, and jobs were scarce and government officials saw a need to use jails to secure the accused before their trial. Poor houses, bridewells, debtors' prisons, and the need for transportation began to develop.

Bridewells were “ Workhouses used as leverage to extract fines or

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repayment of debt or labor to replace them” (Sage Publ., 21). They were buildings constructed to hold and whip vagrants and prostitutes and later used as places of detentions. Bridewells were used in early Europe and British colonies and provided a profit for Wardens, guards, and administrators of bridewells. Bridewells were dangerous and diseased. If prisoners were not able to pay for food, clothing, or release they were often tortured or left to starve (Sage Publ., 21). Bridewell Prison and Hospital was established in 1553 and was the first house of corrections and charitable institution in England. Originally, Bridewell was built as a palace for Henry VIII, but was given to the city of London in 1553 by Edward VI. Bridewell was established for two purposes: a correctional facility and housing orphans (Comnick, 1). From 1570’s to early 1700’s Bridewell was run jointly by Bethlem Hospital, which treated the insane and the Court of Governors. The corrections side was a place for those who committed minor crimes and punished inmates through whippings and hard labor (Comnick, 1). The hospitals purpose was to educate and give orphans skill training. By the 1770, the City of London, was concerned that prison life did not reform prisoners and often corrupted apprentices that were mixed in with them (Hitchcock, 2). While both prison and a hospital, Bridewell was able to provide medical care for prisoners with staff consisting of surgeon, physician, and infirmaries (Hitchcock, 4).

Transportation was another type of corrections. Transportation was use to rid cities and towns of poor and criminals. Criminals sentenced to transportation were sold to a ship’s captain. The captain would sell them as indentured servants to American colonies which provided free labor for a period of 1 to 5

years. At the beginning of the American Revolution, England transported prisoners to Australia (Sage Publ., 23).

The Enlightenment era produced major changes in corrections and the view of crime. The philosophy of Enlightenment or Age of Reason, “ emphasized the importance of the individual” (Library In., 2). Western societies became to focus more on humans through art, sciences, and philosophy. Western European countries abolished torture and stressed the concept that punishment should fit the crime. The idea of changing the individual became the goal of corrections, instead of the inflicting pain (Library In., 3). A sheriff of Bedford England and a former prisoner, John Howard, believed, “ State or government had a responsibility to provide sanitary and separate conditions and decent food and water for those they incarcerate” (Sage Publ., 24). He indicated Bridewells, poor houses, jails, debtor’s prisons, and house of corrections were all similar in their inhumane treatment.

In 1787, in Pennsylvania, Quakers and others formed the Philadelphia Society for Alleviating the Miseries of Public Prisons headed by Dr. Benjamin Rush. The group campaigned for the imprisonment of criminals instead of capital or physical punishment. The Quakers felt that solitary confinement would allow prisoners to repent and reform as well as serving as a punishment, since humans were social by nature. They saw this as economical since it would need fewer guards and under the premise that prisoners would not take long to see the errors of their ways (Library In., 3). In 1829, the Western Penitentiary and Eastern Penitentiary were built. The facilities had individual exercise yards for work, reading, and meditating,


cells were 12 feet by 8 feet by 10 feet, and only voice heard was on Sundays by the chaplain (Library In., 3).

In 1819, The Auburn System was developed. Silence was the premise of the Auburn system. John D. Cray, a deputy warden at the Auburn Prison, stated, " Silence took away the prisoner's ' sense of self', which made them more obedient (Poortvilet, 1). It was patterned after the Quaker idea of solitary confinement at night and assembling inmates in a shared workplace during the day. Prisoners were unable to communicate physically or verbally and breaking of the rules were met with harsh discipline. Supervisors were permitted to flog prisoners who broke the rules. It was seen an economical as working inmates could be supervised by one guard and it helped pay for their upkeep. Reformers believed it was a way prisoner could acquire job skills and have a time to think about their crime (Library In., 4).

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