

Punishment versus rehabilitation

[Law](#), [Criminal Justice](#)



Punishment versus Rehabilitation NaToria Rowland Institutional and Community Corrections March 22, 2011 Steven Duplissis Abstract | |

Punishment and rehabilitation are a major part of the criminal justice system and will be effective in controlling crime if there is a way to incorporate the two factors to work together. Punishment and rehabilitation are for individuals who commit acts of crime. These are two of the four acknowledged objectives of the criminal justice system along with deterrence and incapacitation. Punishment is used to create deterrence and rehabilitation is used to reduce recidivism. Punishing offenders and then following it up with rehabilitation through community supervision can be the source of helping deter crime. Punishment and community supervision should be based on the type of crime. If the appropriate sentence is issued upon an offender, it can help deter them from future criminal activity.

Deterrence of Crime Deterrence is a primary goal to instill fear on the offender so that they will not commit future crime. Punishing offenders to instill fear in society is teaching society a lesson and showing the consequences of committing crime. Punishment has always been imposed based on the idea that it will deter individuals from committing crime or repeating criminal acts (AK Larrabee 2006). Incapacitation is the most common form of punishment. Punishment through incarceration is a temporary fix to crime while the offender is confined. The maximum sentence of life in prison and the death penalty has been debated on whether they are deterrence to crime (AK Larrabee 2006). Certain crimes will benefit from rehabilitation than from punishment, such as non-violent drug related crimes. Criminals who commits act of crime to support their drug

habit need treatment more than punishment. Juvenile Rehabilitation In the 2006 national poll sponsored by the National Council on Crime and Delinquency, 87% to 11% United States voting public is in favor of rehabilitative services for prisoners as opposed to a punishment-only — system (Krisberg & Marchionna, 2006: 1). Citizens are willing to put their money where their preferences are: they are willing to pay for juvenile rehabilitation and early intervention programs. Punishment and Modern Society One might argue that "treatment versus punishment" is a false dichotomy; that it is not necessary to abandon the goal of rehabilitation in order to pursue, or even to emphasize, the goal of punishment (Garland 1990). That argument is certainly reasonable but we are more prepared to accept it in practice than in principle. In practice, the difference between punishment and treatment is often unclear, particularly to those on the receiving end; a prison that is literally all of one and none of the other is probably impossible as well as undesirable (Garland 1990). We believe that, when the concepts are understood properly, it can be shown that a philosophy emphasizing punishment is more logically consistent, and even more true to the same general underlying values (such as humanitarianism, respect for the individual, human dignity, justice, fairness, decency, mercy, and compassion), than a philosophy emphasizing rehabilitation (Garland 1990). Later we will suggest that many of the activities which now occur under the heading of "programming" might still occur in a punishment-oriented prison (Garland 1990). We do not object to treatment that is voluntary, is separated from punishment, and is not a privilege unavailable to those who are not in prison. We believe that even in a punishment model,

inmates have as much (or as little) right as anyone else to a helping hand from government (Garland 1990). The license to punish is not a license to deny to convicts any benefits to which they would be entitled if they were not in prison (with the exception of denials that are absolutely necessary for reasons of security) (Garland 1990). We also believe, however, that prison programs can be justified on grounds other (and better) than rehabilitation, and that for both conceptual and practical reasons, as discussed in the next two sections, the idea of inmate programs ought to be separated from the ideal, and the ideology, of Rehabilitation (Garland 1990). As punishment, imprisonment conveys an important cultural message, but if the official mission of a prison is defined simultaneously as both punishment and rehabilitation conflicting and confusing messages are transmitted both inside and outside the prison walls (Justice Quarterly vol. 10 No. 2, 1993). Inside the walls, such a definition conveys a message of rights without responsibility. When a prison system is mandated in its mission statement to attempt rehabilitation, or even merely to provide opportunities and resources for self-improvement, that mandate creates for inmates a legitimate claim (a right) to personally beneficial services (Justice Quarterly vol. 10 No. 2, 1993). It undermines inmates' accountability by defining them, like children, as insufficiently developed and disadvantaged persons for whose future behavior society must take some responsibility (Justice Quarterly vol. 10 No. 2, 1993). Whereas imprisonment as punishment defines inmates as responsible for their past behavior, and whereas discipline within prison defines inmates as accountable for their current behavior, rehabilitation as a goal of the system defines inmates as not fully responsible for their future

behavior (Justice Quarterly vol. 10 No. 2, 1993). Outside the walls, linking imprisonment with rehabilitation conveys a confusing message to the general public. As punishment, the message of imprisonment is " Felonies are very wrong acts, and those who commit them will be held to account (Justice Quarterly vol. 10 No. 2, 1993)." But the message of the rehabilitation ethic is " Felonies are the result of personal deficiencies (of knowledge, skills, habits, values, temperament, motivation, personality, and so on) on the part of the individual; society must attempt to correct those personal deficiencies (Justice Quarterly vol. 10 No. 2, 1993). Such a message depicts criminal behavior in deterministic terms and portrays offenders as objects in need of adjustment, rather than as responsible human beings who must accept the consequences of their actions (Justice Quarterly vol. 10 No. 2, 1993). Thus rehabilitation programs are more justifiable outside than inside the criminal justice system. Treatment is more likely to be effective if it is voluntary. The voluntary quality makes it ethically more defensible. It is very difficult, however, to make treatment truly voluntary in the context of punishment. If judges, prison officials, probation officers, or parole boards place any great emphasis on rehabilitative programs and urge offenders to get involved in them, offenders would be foolish not to understand that some kind of consequences, however subtle, will follow from their agreement or refusal to do as they are urged (Justice Quarterly vol. 10 No. 2, 1993). To ensure voluntary involvement and to avoid the appearance of providing special benefits that are not available free to others who might be more deserving, it is necessary to disconnect treatment from imprisonment (Justice Quarterly vol. 10 No. 2, 1993). The best way to do this would be to remove

rehabilitative treatment entirely from the authority of the criminal justice system. One way to achieve this separation would be to postpone treatment activities until after release from prison, or to send prisoners temporarily into the community to participate in such activities (Justice Quarterly vol. 10 No. 2, 1993). Another way would be to make it clear that treatment is not the official business of the penal system, even while allowing it to be provided by other agencies either inside or outside the prison and to the same degree as it is available to non prisoners (Justice Quarterly vol. 10 No. 2, 1993). Yet regardless of where these elective activities take place, their separation from the confinement mission should be emphasized by requiring that they be conducted and paid for by civilian (i. e., nonpenal) agencies, organizations, or individuals (Justice Quarterly vol. 10 No. 2, 1993). That requirement could include activities conducted and paid for by prisoners themselves; what counts is that they are not sponsored by the penal system. Many such activities are permissible and desirable within a prison as long as they are compatible and are not confused-with the prison's essential mission of confinement as punishment (Justice Quarterly vol. 10 No. 2, 1993). Effect on Offender Punishment through incarceration has many effects on convicted criminals. Incarceration has many effects on the offender psychological well-being. When an offender is separated from their family, it causes severe depression (AK Larrabee 2006). Supporters of rehabilitation versus punishment argue that sentencing offenders to incarceration hurt the family structure by contributing to single parenting (AK Larrabee 2006). They also argue that punishment causes social disorientation, alienation, and also increases the risk of recidivism (AK Larrabee 2006). When an offender is

released from incarceration, they face social isolation, stigmatism, economic and employment challenges for the rest of their lives. Rehabilitation through community supervision eliminates many of these issues, such as the economic & employment factor (AK Larrabee 2006). Probation/parole allows offenders to remain with their families continue working or find employment under close supervision and they will always have to check in monthly with the probation officer. Others argue that rehabilitation is a more permanent fix in deterring crime. Rehabilitation through community supervision can have a more lasting effect on individuals and deter them from committing future crime if they learn how to adapt in society by gaining academic or trade skills (AK Larrabee 2006). These programs can help offenders find employment and secure an important role in the community and give them a sense of being. Therapy is another form of rehabilitation needed to help deter individuals from committing future crime. Some examples of therapy include drug therapy to those offenders addicted to drugs and psychological counseling to those offenders who grew up in an abusive household (AK Larrabee 2006). Rehabilitation is based on creating a change in the criminal's attitude or resources so that crime is neither a desired nor necessary activity (AK Larrabee 2006). When an individual is sentenced to probation, it gives them the opportunity to remain self-supporting within the community and not using the taxpayer and states money to house them in a correctional facility (AK Larrabee 2006). Effect on Victim In a lot of cases, victim rights tend to be overshadowed by the rights of the accused. The courts are obligated to give a defendant their Constitutional rights including the right to a speedy trial, the right to counsel, the right to confront

witnesses, and due process under the law (AK Larrabee 2006). Back in the day, victim's rights were never recognized as an important role in the criminal justice system. In the past, victims and their families were often treated as inconveniences, ignored throughout trial proceedings, and sometimes even forced to stay out of the courtroom as the proceedings went on (AK Larrabee 2006). These neglects have caused many victims to feel neglected and even re-victimized by the courts. On October 30th, 2004, The Crime Victims' Rights Act was signed into law by President Bush to guarantee rights to victims of federal crime (AK Larrabee 2006). These rights include, to be reasonably protected from the accused offender and to receive reasonable and timely notice of any public proceeding involving the crime or of any public proceeding. (feinstein senate. gov/booklets, n. d) Social and Fiscal effect on the Society The social impact of punishment and rehabilitation varies from the increasing costs of correctional facilities to the disruption of families to the fear of criminals released into community (AK Larrabee 2006). Society's view plays a major role in the criminal justice system. Society's belief's in the " just desserts" theory has played a role in the courts (AK Larrabee 2006). The push for mandatory sentencing has even entered political campaigns in response to the public (AK Larrabee 2006). " Getting tough on crime" was the basis behind different mandatory sentencing practices. The increase of correctional facilities is also related to society's impact on punishment versus rehabilitation (AK Larrabee 2006). The fiscal impact that punishment has on our country is phenomenal. It has been reported that it costs an average of \$30, 000 per year to house, feed, clothe, and supervise a prisoner (AK Larrabee 2006). This figure does not

include the costs of construction and other factors. Many rehabilitation programs have been introduced to not only help deter crime, but also to reduce the rising cost of punishment (AK Larrabee 2006). Privatization of corrections has been also looked at as an effort to reduce the costs of punishment (AK Larrabee 2006). Many states have also instituted alternatives to incarceration such as " boot camps" or " shock camps". These programs are proven to be less costly than incarceration. The cost of shock incarceration in New York State has been estimated to be \$10, 000 less per year per prisoner than the cost of traditional incarceration (Punishment vs. rehabilitation: A Proposal for revising Sentencing Practices, September 1991) The use of intensive parole programs has been estimated to save taxpayers an estimated ten to thirteen thousand dollars per year compared to the cost of incarceration (AK Larrabee 2006). References Garland, David (1990) The Value of Punishment Justice Quarterly Vol. 10 No. 2, June 1993 Academy of Criminal Justice Sciences Larrabee, A K (2006) Punishment versus Rehabilitation in the Criminal Justice System