

The age of enlightenment criminology essay

[Law](#), [Criminology](#)



Lastly, John Howard was another significant thinker during this time that brought about great ideas. He was a sheriff as well as a social activist. He was very powerful in influencing the conditions of prisons. Prior to this age, the conditions of prisons in America were dirty, unsanitary and full of diseases. John Howard spoke out about the conditions and encouraged developing sanitary conditions and using civilized treatment in prisons. He was the person that was accountable for encouraging the House of Commons to pass a group of penal reform laws. Along with others, Howard designed the Penitentiary Act which requested the creation of houses of hard labor where convicts would be imprisoned for up to two years. Prisoners were to be confined in solitary cells at night but were to labor silently in common rooms during the day. There were two main purposes of the penitentiary: to punish and reform offenders through solitary confinement when they were not working, instill good habits and religious teaching so inmates could reflect on wrongdoings through penance and contrition.

All these influences created a major change in the practice of the penal system. Penal laws were revised and penal practices moved away from causing pain to the body towards procedures that would put the offender on a course of honest living. Conclusively, a penitentiary was developed where criminals could be secluded from the enticements of society, think about their crimes, and therefore be rehabilitated.

American Corrections Sixth Edition by Todd R. Clear and George F. Cole copyright 2003

http://en.wikipedia.org/wiki/Cesare_Beccaria

4. Discuss the concept of crime as a moral disease. What is meant by this? What are the implications? How did this affect the idea of imprisonment and prison?

Morality is a set of principles concerning the distinction between right and wrong or good and bad behavior. Crime as a moral disease means that crime happens because of a choice based on bad values by the offender. In other words it could be described as a disease of the mind. Crime is the result of your surroundings and values that make you choose to do what you do.

Criminals were viewed as the victims of social disorder. It came about during the age of the penitentiary in the 19th century America. While alcohol was one of the biggest social problems, psychic disorder, opium addictions and general public and moral disorder offenses started to become increasingly common. Crimes of violence, property offenses (theft and burglary) were increasing. (Bloomberg & Lucken) Crime was additionally attached to social factors. Four reformers during this time gave their ideas: Gresham Powers claimed that the " causes of crime can be found in the rapid growth of

<https://assignbuster.com/the-age-of-enlightenment-criminology-essay/>

wealth, population size, immigration and commerce and manufacturing" (Bloomberg & Lucken). Edward Livingston claimed that crime was product of intemperance, laziness, ignorance, irreligion and poverty (Bloomberg & Lucken). John Griscom found crime to be in the context of bad parenting and that parents allow children to do what they want without restraints and limits (Bloomberg & Lucken). Lastly, Thomas Eddy claimed that crime could be traced to excessive passions like lust, greed or violence. These passions overpower the qualities of reason and rationality. (Bloomberg & Lucken) Each one of these reformers suggested various reasons as to why crime was existing using social factors like the community and attitudes of those communities and upbringings as the causes. The many assertions of what the causes of crime basically implicated three different foundations: " broken family, intemperance and a general bad environment: (Bloomberg & Lucken). Therefore, when you put all three of these sources together, the crimes that occurred during this time period held that a tainted community filled with temptation and evil promoted morally weak surroundings which contributed to morally weak people who can't resist the social evils. In the mid 1800's society was in decline. (Bloomberg & Lucken) Things were not going good around this time. As a result, when you have a broken family and you live in a bad environment, people do not know right from wrong. The morality of the environment you live in mixed with temptations will make someone steal or burglarize a home. The morality of what is inherently good and bad was never instilled so the morality of the person is weak. Therefore, these offenders' behaviors are seen as a moral disease. The cure for moral disease was a moral science. This concept affected the idea of imprisonment

and prison because it was presumed that scientific advancement that treat physical disorders could be employed to treat evil. Dr. Benjamin Rush was a famous physician at the time and believed crime as an infectious disease. Rush along with other doctors medicalized pretty much all behaviors. He taught that disease was a habit of wrong action and habits that cause harm are diseases. Crime can ultimately be cured and the injection against evils and crime first need strong discipline and the shutting down of any establishments of bad character. Any influences that can corrupt the mind need to be removed in order for one to get better (Bloomberg & Lucken). As a result, Rush suggested the idea of a " House of repentance". Imprisonment and prisons took on the " The House of repentance" which helped the prisoner meditate on their crimes, experience remorse, and undertake rehabilitation. These ideas turned into the Pennsylvania System and later led to a penitentiary in hopes to create a repentant facility with solitary confinement. Prison basically became a place to think about what you have done day in and day out and ask forgiveness for your evil acts of crime. American Penology: A history of Control (Enlarged Second Edition), Bloomberg, Thomas & Lucken, Karol

6. What is the medical model of penology? What was it's approach? How did this translate into real world applications? Did it work- why or why not?

Prisons in our society have gone through many transformations and modifications. When one design does not work we change it for a new one in hopes of better outcomes. Our prison systems have shifted their focus from punishment to rehabilitation then from reentry and reintegration back to

incarceration. Along the way, the demands of the criminal justice system changed and prison models were developed to help crime rates diminish. In 1929, the idea to have institutions that target rehabilitation as its main goal was introduced. Prisons were to convert into something similar to a mental hospital that would rehabilitate and assess the offender for readiness to go back into. Therefore, in the 1950's the medical model started to become widespread regarding this idea. The medical model of corrections based on the belief that criminal behavior is caused by social, psychological, or biological defects that require treatment (Powerpoint). Crime was seen as a moral disease and viewed criminals as victims of social disorder. This model was the first genuine effort to apply medical strategies that aimed directly at scientifically classifying, treating, and rehabilitating criminal offenders. The offenders in this model were dealt with on an individual basis to establish the cause or causes of their criminal behavior. The approach this model took was to figure out why a person committed their crime and what could be done to fix it. The individual treatment was based on what the science of penology decided was needed. Prisons and jails were the ones diagnosing the causes of crime (drug abuse, alcohol abuse, etc). They were also the ones recommending programs and procedures to cure the illnesses. Many of the programs applied by the model: home confinement, halfway houses, pre-release centers, parole, mandatory release and work programs. Additionally, the new penology procedures included: psychotherapy, shock therapy, behavior modification, counseling and group therapy. The offenders' criminal history, personality and their unique needs were taken into account to figure out how to fix their illness. Furthermore, the medical model of corrections

was designed and aimed to treat criminals' illnesses with expectations that when they are released, the offender is cured and will not recidivate. The applicable programs and procedures of the medical model had an admirable goal of helping offenders find solutions to what caused them to commit crimes and apply them. Unfortunately, the model was unsuccessful and it came to an end. One reason the model did not work was because of budget problems. Many states adopted the medical model but only in name. Even when the model was at its highest point, most states didn't assign any more than five percent of the budget towards rehabilitation. The medical model was also said to be forced and encouraging dishonesty. The participation of the model was all mandatory instead of voluntary. Offenders had to take their medications and treatments whether they wanted to or not. As a result, the inmates knew what to do if they wanted to get out of prison or jail. They knew if they displayed good behavior and did the treatments and therapies needed, they would be released. Dishonesty amongst the inmates seemed to be seen as encouraged because of this.

7. What accounts for the growth of prisons in the U. S.? Give at least 3 explanations along with specific examples. Are these valid explanations- why/why not?

There are many things that account for the growth of prisons in the U. S. Three things in particular are the new penal policies that happened in the get-tough era, inequality of poor, disadvantaged men and recidivism and violations of probation and parole. In 2009, there are 2, 429, 299 people in federal, state, and local prisons and jails which is the highest incarceration rate in the world (<http://www.drugpolicy.org/drug-war-statistics>).

One reason is the get-tough-on-crime laws that boosted an increase in prisons. The laws include mandatory sentencing, three strikes, truth-in-sentencing and more that result in longer and harsher penalties. So why would this be a reason for prison growth? Well the aggressive policing in minor crimes like shoplifting, drug possession or other minor offenses traps people in the three-strikes-laws for repeat offenders. The three-strike laws establish mandatory twenty-five years imprisonment which mandates longer sentences for repeat offenders. Another example is the mandatory minimum sentences from 1986 that are basically fixed sentences to those convicted of a crime, regardless of guilt or any justifiable reasons. Mandatory minimums were used to catch drug distributions and most people in a mandatory sentence are low-level drug offenses. If caught on drug possession charged you are going away for a minimum of fifteen years no questions or arguments. This is valid because according to the " Drug Policy Alliance, more than 80 percent of the increase in the federal prison population from 1985 to 1995 was because of drug convictions" (<http://www.civilrights.org/publications/justice-on-trial/sentencing.html>). Additionally, the three-strike laws are also non-violent repeat offenders. As a result, prisons are constantly trying to make room for all these non-violent offenders and releasing violent felons because these laws say that minor offenses must be tough and the offender must serve their time in prison rather than rehabilitation. The reason for these laws was to stop violent criminals, but the opposite is taking place and minor offenses by offenders are sent to prison longer than those who commit violent acts.

Mandatory minimum sentencing and the three-strike laws were very hard mostly on drug offenses. The " War on Drugs" was brought to stop the selling, manufacturing and importing of illegal drugs. The two sentencing types led to the increase of drug offenders to fill the prison systems. The " Number of people arrested in 2011 in the U. S. on nonviolent drug charges: 1. 53 million (<http://www.drugpolicy.org/drug-war-statistics>)".

A second reason for the growth of prisons in the U. S is due to the inequality of poor, disadvantaged men. According to " Punishment and Inequality in America" by Bruce Weston says that " unemployment, family instability, and neighborhood disorder combine to produce especially high rates of violence among young black men". Poverty creates a cycle of prisoners because there are weak family ties and disadvantaged neighborhood environments don't have strong morals. As a result, those who live in these neighborhoods (black Americans) gravitate towards crime. The cultural group that is impacted the most is African-Americans.

Poverty is tied with violence, criminal damage and drug use. It leads to high level of stress that makes people commit theft or other violent acts. Crime offers the impoverished a way to obtain materials goods that they cannot attain legitimately. It can also be said that those who live in such an area have little education. Little education mixed in with family instability (possibly having one parent) allows youths to associate with gangs and violence. For many poor people, the reward that comes out of the crimes they do may outweigh the risk of being caught. This causes the cycle of crime among the impoverished culture of African-Americans.

This is a valid explanations because when people are in school they are learning how to live in society, close knit families provide bonds and positive role models and work provides less opportunities to even think about crime. Therefore, the individuals of inequality who are poor tend to go to jail more often causing prison growth.

A third reason is recidivism and technical violations of probation and parole.

There are so many people out on probation and parole that parole and probation violations increases which makes them go back into prison.

Serious technical violation like the repeated failure to report, violent crime a pattern of misbehavior can land a person on probation or parole back in in prison. As we know, there are not many rehabilitation programs that help the offenders reintegrate back into society. Therefore, when prisoners are released back into society they just recidivate and end up back in prison.

This causes a growth of prisons in the U. S. There are two specific statistical examples to show the rates of recidivism: Of the 272, 111 persons released from prisons in 15 states in 1994, an estimated 67. 5% were rearrested for a

felony or serious misdemeanor within 3 years, 46.9% were reconvicted, and 25.4% resentenced to prison for a new crime. (<http://bjs.gov/index.cfm?ty=tp&tid=17>) Released prisoners with the highest re-arrest rates were robbers (70.2%), burglars (74.0%), larcenists (74.6%), motor vehicle thieves (78.8%), those in prison for possessing or selling stolen property (77.4%), and those in prison for possessing, using, or selling illegal weapons (70.2%). (<http://bjs.gov/index.cfm?ty=tp&tid=17>) This argument is valid because these statistics plus many more show how offenders are cycling in and out of the criminal justice system. Not only do we have new offenders but now old offenders who cannot cycle out of the system.