Introduction: What Is Corrections?

The primary responsibility of the government of any country or state is to protect its citizens from those who would harm them. The military protects us from evildoers from beyond our shores, and the criminal justice system protects us from them within our shores. The criminal
justice system is composed of a number of subsystems, broadly categorized into law enforcement, the courts, and corrections—the so-called Catch ’em, convict ’em, and correct ’em trinity. Corrections is thus a system embedded in a broader collection of public protection agencies and programs, one that comes into play after the accused has been caught by law enforcement, prosecuted, and convicted by the court system.

Corrections is a generic term covering a wide variety of functions carried out by government (and increasingly private) agencies having to do with the punishment, treatment, supervision, and management of individuals who have been accused (in the case of some jail inmates) or convicted of criminal offenses. These functions are implemented in prisons, jails, and other secure institutions, as well as in community-based correctional agencies such as probation and parole departments. Corrections is also the name we give to the field of academic study of the theories, missions, policies, systems, programs, and personnel that implement those functions, as well as the behaviors and experiences of its unwilling customers. As the term implies, the whole correctional enterprise exists to “correct,” “amend,” or “put right” the clientele. This is a difficult task because the behavior, values, and attitudes to be corrected have typically festered for many years in atrocious environments. The experiences of many offenders (not all, of course) devoured their childhood and youth and marred their characters to the point where many of them have a psychological, emotional, or financial investment in their current lifestyles and have no intention of being “corrected” (Andrews & Bonta, 2007; Walsh & Stohr, 2010).

Cynics may think that the correctional process should be called the “punishment process” (Logan & Gaes, 1993). The correctional enterprise is primarily about punishment, which almost everyone agrees is an unfortunate but necessary part of life. Earlier scholars were more accurate in calling what we now call corrections penology, which means the study of the processes adopted for the punishment and prevention of crime. No matter what we call our prisons, jails, and other systems of formal social control, we are compelling people to do what they do not want to do, and such arm-twisting is experienced by them as punitive regardless of what name we call it.

The Theoretical Underpinnings of Corrections

Just as all theories of crime contain a view of human nature, so do all models of what to do with individuals who commit it. Some thinkers (mostly influenced by sociology) formulate
their theories and arguments as consistent with the assumption that human nature is socially constructed; that is, the human mind is basically a “blank slate” at birth and subsequently formed by cultural experiences. Those holding this position tend to see human nature as essentially good and believe that people must learn to be antisocial. Others (mostly influenced by evolutionary biology and the brain sciences) argue that there is an innate human nature that evolved, driven by the overwhelming concerns of all living things: to survive and reproduce. This perspective does not deny that specific behaviors are learned, but maintains that certain traits evolved in response to survival and reproductive challenges. They further maintain that some of these traits, such as high aggressiveness and low empathy, are also useful in pursuing criminal goals, and that human nature is essentially selfish (not “bad,” just self-centered) and people must learn to be prosocial rather than antisocial.

For those who assume that human nature is basically good, the task is to discover why social animals commit antisocial acts. If human nature is socially constructed, the presence of antisocial characters among us reflects defective social construction, not defective human materials. We must therefore search for flaws and defects in society and not in the individual products of society. If we wish to reduce crime, then we must change society, not the individual. For some people in this tradition, punishment is seen as the vindictive infliction of pain on society’s own creations.

The opposite position maintains that ever since humans first devised rules of conduct, they have wanted to break them. Of course, most of us conform to the rules of our social groups most of the time and feel shamed, embarrassed, and guilty when we violate them. But the straight and narrow road does not always come naturally, so the task is not to understand why some people commit crimes, but rather why most of us do not. After all, crime affords immediate gratification of desires with very little effort, or, as Gottfredson and Hirschi (2002) put it, “money without work, sex without courtship, revenge without court delays” (p. 210). The point we are making is that the assumptions about human nature we hold strongly influence our ideas about how we should treat the accused or convicted once they enter the correctional system.

A Short History of Correctional Punishment

Legal punishment may be defined as the state-authorized imposition of some form of deprivation—of liberty, resources, or even life—upon a person justly convicted of a violation of the criminal law. The earliest known written code of punishment is the Code of Hammurabi, created about 1780 B.C. This code expressed the well-known concept of lex talionis (the law of equal retaliation), which is further enunciated in the Mosaic Code, the ancient law of the Hebrews, as “an eye for an eye, a tooth for a tooth.” These laws codified the natural inclination of individuals harmed by another to seek revenge, but they also recognized that personal revenge must be restrained if society is not to be fractured by a cycle of tit-for-tat blood feuds. Blood feuds (revenge killings) perpetuate the injustice that “righteous” revenge was supposed to diminish. As Susan Jacoby (1983) put it,

The struggle to contain revenge has been conducted at the highest level of moral and civic awareness at each stage in the development of civilization. The self-conscious nature of the effort is expectable in view of the persistent state of tension between uncontrolled vengeance as destroyer and controlled vengeance as an unavoidable component of justice. (p. 13)
“Controlled vengeance” is about the state taking responsibility for punishing wrongdoers from the individuals who were wronged. Nevertheless, early state-controlled punishment was typically as uncontrolled and vengeful as what any grieving parent might inflict on the murderer of his or her child. Prior to the 18th century, all human beings were considered born sinners because of the Christian legacy of Original Sin. Cruel tortures used on criminals to literally “beat the devil out of them” were justified by the need to save sinners’ souls. Earthly pain was temporary and certainly preferable to an eternity of torment if sinners died unrepentant. Punishment was often barbaric, regardless of whether those ordering it bothered to justify it with such arguments or even believed them themselves.

It was not only the poor who suffered almost arbitrary arrest and punishment. Under the notorious French system of lettres de cachet (“letters with a seal”), stamped with the official seal of the king, anyone could be arrested and imprisoned without formal charges or trial. Rich individuals could buy such a letter from the king’s ministers to get rid of some bothersome person. The idea of due process was a totally foreign concept to all until fairly recently. Persons arrested under the authority of a lettre de cachet had no right to know why they were imprisoned, no right to confront their accuser, no right to legal counsel, no right to a trial, and no right to appeal. All this was perfectly legal under the Code Louis of 1670, which was the legal code of France until the Code Napoleon of 1804 (Walsh & Hemmens, 2011).

The practice of brutal punishment and arbitrary legal codes began to wane in the late 18th century with the beginning of a period historians call the Enlightenment, which was essentially a major shift in the way people began to view the world and their place in it. It was also marked by the narrowing of what Thompson (1975) called the “mental distance” between people such that lawmakers began to expand their circles of individuals they considered to be “just like us.” Perhaps the first person to apply Enlightenment thinking to crime and punishment was the English playwright, author, and judge, Henry Fielding (1707–1754). Fielding believed that the cause of robbery (robbery was being fueled by London’s gin epidemic much the way it was fueled by crack in American cities in the 1980s) was poverty and called for a “safety net” for the poor (free housing and food) as a crime prevention strategy. Many of his suggestions were implemented and were remarkably successful by most accounts (Sherman, 2005).

The Emergence of the Classical School

Enlightenment ideas eventually led to a school of penology that has come to be known as the Classical School. More than a decade after Fielding’s (1751/1967) book, Italian nobleman and professor of law Cesare Bonesana, marchese di Beccaria (1738–1794) published what was to become the manifesto for the reform of judicial and penal systems throughout Europe, Dei Delitti e della Pene (On Crimes and Punishment) (1764/1963). The book was a passionate plea to humanize and rationalize the law and to make punishment just and reasonable. Beccaria did not question the need for punishment, but he believed that laws should be designed to preserve public safety and order, not to avenge crime. He also took issue with the common practice of secret accusations, arguing that such practices led to general deceit and alienation in society. He argued that accused persons should be able to confront their accusers, to know the charges brought against them, and to be granted a public trial before an impartial judge as soon as possible after arrest and indictment.

Punishments should be proportionate to the harm done to society, should be identical for identical crimes, and should be applied without reference to the social status of either offender or victim. Beccaria championed the abolition of the death penalty and believed that punishments should only minimally exceed the level of damage done to society. Punishment, however, must be certain and swift to make a lasting impression on the criminal and to deter others. To ensure a rational and fair penal structure, punishments for specific crimes must be
decreed by written criminal codes, and the discretionary powers of judges must be severely limited. The judge’s task was to determine guilt or innocence, and then to impose the legislatively prescribed punishment if the accused is found guilty.

Beccaria’s work was so influential that many of his recommended reforms were implemented in a number of European countries within his lifetime (Durant & Durant, 1967). Such radical change over such a short period of time, across many different cultures, suggests that Beccaria’s rational reform ideas tapped into and broadened the scope of emotions such as sympathy and empathy among the political and intellectual elite of Enlightenment Europe. An influential early commentator, Alexis de Tocqueville (1805–1859), noticed the diffusion of these emotions across social classes beginning in the Enlightenment and attributed the “mildness” of the American criminal justice system to the country’s democratic spirit (1838/1956). We tend to feel empathy for those whom we view as being “like us,” and this leads to sympathy, which may translate the vicarious experiencing of the pains of others into an active concern for their welfare. With cognition and emotion jelled into the Enlightenment ideal of the basic unity and worth of humanity, justice became both more refined and more diffuse (Walsh & Hemmens, 2011).

Another prominent figure was British lawyer and philosopher Jeremy Bentham (1748–1832). His major work, *Principles of Morals and Legislation* (1789/1948), is essentially a philosophy of social control based on the principle of utility, which posits that human actions should be judged moral or immoral by their effect on the happiness of the community. The proper function of the legislature is thus to make laws aimed at maximizing the pleasure and minimizing the pain of the largest number in society—“the greatest good for the greatest number” (p. 151).

If legislators are to legislate according to the principle of utility, they must understand human motivation, which for Bentham (1789/1948) was easily summed up: “Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to
point out what we ought to do, as well as to determine what we shall do” (p. 125). This was essentially the Enlightenment concept of human nature, which was seen as hedonistic, rational, and endowed with free will. The classical explanation of criminal behavior, and how to prevent it, can be derived from these three assumptions about human nature. Bentham devoted a great deal of energy (and his own money) to arguing for the development of prisons as punitive substitutes for torture, execution, or transportation. He even designed a prison in the 1790s called the *panopticon* (panoptic means “all seeing”), which will be discussed more fully in the next chapter.

### The Emergence of Positivism: Should Punishment Fit the Offender or the Offense?

Just as classicism arose from the 18th century humanism of the Enlightenment, positivism arose from the 19th century spirit of science. Classical thinkers were “armchair” philosophers in the manner of the thinkers of classical Greece (hence the term *classical*), while *positivists* took upon themselves the methods of empirical science, from which more “positive” conclusions could be drawn (hence the term *positivism*). An essential assumption of positivism is that human actions have causes, and that these causes are to be found in the uniformities that typically precede those actions. The search for causes of human behavior led positivists to dismiss the classical notion that humans are free agents who are alone responsible for their actions.

Early positivism went to extremes to espouse a hard form of determinism such as that of Lombroso’s “born criminal.” Nevertheless, positivism slowly moved the criminal justice system away from a singular concentration on the criminal act as the sole determinant of the type of punishment to be meted out, and toward an appraisal of the characteristics and circumstances of the offender as an additional determinant. Because human actions have causes, many of which are involuntary, i.e., out of their control, the concept of legal responsibility was called into question. For instance, Italian lawyer *Raffaele Garofalo* (1852–1934) believed that because human action is often evoked by circumstances beyond human control, the only thing to be considered at sentencing was the offenders’ ‘peculiarities,’ or risk factors for crime.

Garofalo’s (1885/1968) only concern for individualizing sentencing, however, was the danger offenders’ posed to society, and his proposed sentences ranged from execution for what he called the *extreme criminal* (whom we might call psychopaths today), to transportation to penal colonies for *impulsive criminals*, to simply changing the law to deal with what he called *endemic criminals* (those who commit what we today might call victimless crimes). German criminal lawyer Franz von Liszt, on the other hand, campaigned for customized sentencing according to the rehabilitative potential of offenders, which was to be based on what scientists find out about the causes of crime (Sherman, 2005). This ideal of individualized sentences tailored to the characteristics of individuals meant that judges were to enjoy wide sentencing *discretion*, which argued against the classical ideal of predetermined statutory sentences imposed on all who commit the same crime without any consideration at all for individual differences.

### The Function of Punishment

Although most corrections scholars agree that punishment functions as a form of social control, some view it as a barbaric throwback to pre-civilized times (Menninger, 1968). But can you imagine a society where punishment did not exist? What would such a society be like? Could it survive? If you cannot realistically imagine such a society, you are not alone, for
the desire to punish those who have harmed us or otherwise cheated on the social contract is as old as the species itself. Punishment aimed at discouraging cheats is observed in every social species of animals, leading evolutionary biologists to conclude that punishment of cheats is a strategy designed by natural selection for the emergence and maintenance of cooperative behavior (Alcock, 1998; Walsh, 2000). Cooperative behavior is important for all social species and is built on mutual trust, which is why violating that trust evokes moral outrage and results in punitive sanctions.

Brain imaging studies show that when subjects punish cheats, they have significantly increased blood flow to areas of the brain that respond to reward, suggesting that punishing those who have wronged us provides both emotional relief and reward (de Quervain et al., 2004; Fehr & Gachter, 2002). These studies imply that we are hardwired to “get even,” as suggested by the popular saying, “Vengeance is sweet.”

Sociologist Émile Durkheim (1858–1917) contended that punishment is functional for society in some ways. Durkheim (1893/1964) considered crime normal in the sense that it exists in every society and that criminal behavior is in everyone’s behavioral tool kit. Punishing criminals maintains solidarity because the rituals of punishment reaffirm the justness of the social norms and allow citizens to express their moral outrage when others transgress those moral norms. Durkheim also recognized that we can temper punishment with sympathy. He observed that over the course of social evolution, humankind had moved from retributive justice (characterized by cruel and vengeful punishments) to restitutive justice (characterized by reparation—“making amends”).

Retributive justice is driven by the natural passion for punitive revenge that “ceases only when exhausted . . . only after it has destroyed” (Durkheim, 1893/1964, p. 86). Durkheim goes on to claim that restitutive justice is driven by simple deterrence and is more humanistic and tolerant, although it is still “at least in part, a work of vengeance” (pp. 88–89). Both forms of justice satisfy the human urge for social regularity by punishing those who violate the social contract, but retributive justice oversteps its adaptive usefulness and becomes socially destructive. For Durkheim, restitutive responses to wrongdoers offer a balance between calming moral outrage on the one hand, and exciting the emotions of empathy and sympathy on the other.

Philosophies of and Justifications for Punishment

A philosophy of punishment involves defining the concept of punishment and the values, attitudes, and beliefs contained in that definition. Most clearly it involves justifying the imposition of a painful burden on unwilling subjects. When we speak of justifying something we are doing, we typically mean that we provide reasons for doing it both in terms of morality (“It’s the right thing to do”) and in terms of the goals we wish to achieve (“Do this, and we’ll get that”). Philosophers, legal scholars, and criminologists have traditionally identified four major objectives or justifications for the practice of punishing criminals: retribution, deterrence, rehabilitation, and incapacitation. Criminal justice scholars have recently added a fifth purpose to the list: reintegration. Before we discuss these objectives, we must emphasize that all theories and systems of punishment are based on conceptions of basic human nature, and thus to a great extent on ideology. The view of human nature on which the law in every country relies today is the same view enunciated by classical thinkers Beccaria and Bentham, namely, that human beings are hedonistic, rational, and possessors of free will.

**Hedonism** is a doctrine that maintains that all life goals are desirable only as means to the end of achieving pleasure or avoiding pain. It goes without saying that pleasure is intrinsically desirable and pain is intrinsically undesirable, and that we all seek to maximize the
former and minimize the latter. We are assumed to pursue these goals in rational ways, that is, in ways that are consistent with logic. That is, rationality involves a logical “fit” between the goals people strive for and the means they use to achieve them. For the classical scholar, the ultimate goal of any human activity is self-interest, and self-interest governs our behavior whether it takes us in prosocial or antisocial directions.

Hedonism and rationality are combined in the concept of the **hedonistic calculus**, a method by which individuals are assumed to logically weigh the anticipated benefits of a given course of action against its possible costs. If the balance of consequences of a contemplated action is thought to enhance pleasure and/or minimize pain, then individuals will pursue it; if not, they will not. If people miscalculate, as they frequently do, it is because they are ignorant of the full range of consequences of a given course of action, not because they are irrational or stupid.

The final assumption about human nature is that humans enjoy a free will that enables them to purposely and deliberately choose to follow a calculated course of action. If people seek to increase their pleasures illegally, they do so freely and with full knowledge of the wrongness of their acts. It is only with the concept of free will that we can justifiably assign praise and blame to individual actions. Because criminals know what is right and what is wrong and choose the latter, society has a perfectly legitimate right to punish those who harm it.

**Retribution:** Retribution is the justification for punishment underlined by the concept of *lex talionis*. It is a “just deserts” model that demands that criminals’ punishments match the degree of harm they have inflicted on their victims, that is, what they justly deserve. Those who commit minor crimes deserve minor punishments, and those who commit more serious crimes deserve more severe punishments. This is perhaps the most honestly stated justification for punishment because it both taps into our most primitive punitive urges and posits no secondary purpose for it, such as rehabilitation or deterrence. California is among the states that have explicitly embraced this justification in their criminal codes (California Penal Code Sec. 1170a): “The Legislature finds and declares that the purpose of imprisonment for a crime is punishment” (cited in Barker, 2006, p. 12). This model of punishment avers that it is right to punish criminals regardless of any secondary purpose that punishment may serve, simply because justice demands it.

Some scholars consider retribution to be nothing more than primitive revenge, and therefore morally wrong (Tutu, 1999). However, retribution as presently conceived is not Durkheimian revenge that “ceases only when exhausted.” Rather, it is constrained revenge supposedly curbed by proportionality and carried out by allegedly neutral parties bound by laws mandating respect for the rights of individuals against whom it is imposed. Logan and Gaes (1993) go so far as to claim that only retributive punishment “is an affirmation of the autonomy, responsibility, and dignity of the individual” (p. 252). By holding offenders responsible and blameworthy for their actions, we are treating them as free moral agents, not as mindless rag dolls being blown around by the winds of negative forces in the environment.

**Deterrence:** A more complex justification for punishment is deterrence, that is, the prevention of crime by the threat of punishment. The principle that people respond to incentives and are deterred by the threat of punishment is the philosophical foundation behind all systems of criminal law. Deterrence may be either specific or general.

**Specific deterrence** refers to the effect of punishment on the future behavior of persons who experience the punishment. For specific deterrence to work, it is necessary that a previously punished person make a conscious connection between an intended criminal act and the punishment suffered as a result of similar acts committed in the past. Unfortunately, it is not always clear that such connections, if made, have the desired effect, either because...
memories of the previous consequences were insufficiently potent or because they were discounted.

Committing further crimes after being previously convicted and punished is called recidivism (“falling back” into criminal behavior), which is a lot more common among ex-inmates than rehabilitation. Recidivism refers only to crimes committed after release from prison and does not apply to crimes committed while incarcerated. Nationwide in the United States, about 33% of released prisoners recidivate within the first 6 months after release, 44% within the first year, 54% by the second year, and 67.5% by the third year (Robinson, 2005, p. 222), and these are just the ones who are caught. Among those who do desist, a number of them cite the fear of additional punishment as a major factor (Wright, 1999).

As the classical scholars remind us, the effect of punishment on future behavior depends on its certainty, celerity (swiftness), and severity. In other words, there must be a relatively high degree of certainty that punishment will follow a criminal act, the punishment must be administered very soon after the act, and it must be quite harsh. The most important of these is certainty, but as we see from Figure 1.1 showing clearance rates for major crimes, the probability of being arrested is very low, especially for property crimes—so much for certainty. Factoring out the immorality of the enterprise, burglary, for instance, appears to be a very rational career option for the capable criminal.

If a person is caught, the wheels of justice grind very slowly. Evidence has to be collected and evaluated, juries must be selected, and the court dockets are consistently overloaded. Typically, many months pass between the act and the imposition of punishment—so much for celerity. This leaves the law with severity as the only element it can realistically manipulate (it can increase or decrease statutory penalties almost at will), but it is unfortunately the least effective element (National Center for Policy Analysis, 1998). Studies from the United States and the United Kingdom find substantial negative correlations (as one factor goes up, the other goes down) between the likelihood of conviction (a measure of certainty) and crime rates, but much weaker correlations in the same direction for the severity of punishment; that is, increased severity leads to lower offending rates (Langan & Farrington, 1998).

![Figure 1.1](image-url)

**Figure 1.1**

Percentage of Crimes Cleared by Arrest or Exceptional Means* in 2008

*A crime cleared by “exceptional means” occurs when the police have a strong suspect but something beyond their control precludes a physical arrest (e.g., death of suspect).

The effect of punishment on future behavior also depends on the **contrast effect**, defined as the contrast or comparison between the possible punishment for a given crime and the usual life experience of the person who may be punished. For people with little or nothing to lose, arrest and punishment may be perceived as merely an inconvenient occupational hazard, an opportunity for a little rest and recreation, and a chance to renew old friendships. But for those who enjoy a loving family and the security of a valued career, the prospect of incarceration is a nightmarish contrast. Like so many other things in life, deterrence works least for those who need it the most (Austin & Irwin, 2001).

**General deterrence** refers to the preventive effect of the threat of punishment on the general population; it is thus aimed at potential offenders. Punishing offenders serves as examples to the rest of us of what may happen if we violate the law. As Radzinowicz and King (1979) put it more than 30 years ago, “People are not sent to prison primarily for their own good, or even in the hope that they will be cured of crime. . . . It is used as a warning and deterrent to others” (p. 296). The existence of a system of punishment for law violators deters a large but unknown number of individuals who might commit crimes if no such system existed.

What is the bottom line on the effectiveness of deterrence? Are we putting too much faith in the ability of criminals and would-be criminals to calculate the costs and benefit of engaging in crime? Although many violent crimes are committed in the heat of passion, or under the influence of mind-altering substances, there is quite a bit of evidence underscoring the classical notions that individuals do (subconsciously at least) calculate the ratio of expected pleasures to possible pains when contemplating a course of action. Nobel Prize–winning economist Gary Becker (1997) is a major adherent of the position. He dismisses the idea that criminals lack the knowledge and the foresight to take punitive probabilities into consideration when deciding whether or not to continue committing crimes. He says, “Interviews of young people in high crime areas who do engage in crime show an amazing understanding of what punishments are, what young people can get away with, how to behave when going before a judge” (p. 20). Becker also compared crime rates in Great Britain and the United States and demonstrated that crime rates rose in the UK as its penal philosophy became more and more lenient, and that they fell in the United States as its penal philosophy became more and more punitive.

Deterrence theorists do not view people as calculating machines doing their mental math before engaging in any activity. They are simply saying that behavior is governed by its consequences. Our rational calculations are both subjective and bounded; we do not all make the same calculations or arrive at the same game plan when pursuing the same goals. Think how the contrast effect would influence the calculations of a zero-income, 19-year-old high school dropout with a drug problem as opposed to a 45-year-old married man with two children and a $90,000 annual income. We all make calculations with less than perfect knowledge, with different mind-sets, different temperaments, and different cognitive abilities, but to say that criminals do not make such calculations is to strip them of their humanity and to make them pawns of fate.

More general reviews of deterrence research indicate that legal sanctions do have “substantial deterrent effect” (Nagin, 1998, p. 16; see also Wright, 1999), and some researchers have claimed that increased incarceration rates account for about 25% of the variance in the decline in violent crime over the last decade or so (Spelman, 2000; Rosenfeld, 2000). Of course, this leaves 75% of the variance to be explained by other factors, such as an improved economy. Unfortunately, even for the 25% figure, we cannot determine if we are witnessing a **deterrent effect** (i.e., has violent crime declined because more would-be violent people have perceived a greater punitive threat?) or an **incapacitation** effect (i.e., has violent crime declined because more violent people are behind bars and thus not at liberty to commit...
violent crimes on the outside?). Of course, it does not have to be one or the other, since both effects may be operating. Society benefits from crime reduction regardless of why it occurs, but correctional scholars would like to know which of the processes (deterrence or incapacitation or an improved economy or some other variable) is most responsible for the decline.

**Incapacitation:** Incapacitation refers to the inability of criminals to victimize people outside prison walls while they are locked up. Its rationale is aptly summarized in James Q. Wilson’s (1975) remark, “Wicked people exist. Nothing avails except to set them apart from innocent people” (p. 391). The incapacitation justification probably originated with Enrico Ferri’s (1869–1929) concept of social defense. Ferri (1897/1917) was one of the early positivists who dismissed the classical ideas about human nature as myths. To determine punishment, notions of culpability, moral responsibility, and intent were to be secondary to an assessment of offenders’ strength of resistance to criminal impulses, with the express purpose of averting future danger to society. He believed that moral insensitivity and lack of foresight, underscored by low intelligence, were the criminal’s most marked characteristics.

Ferri’s (1897/1917) social defense asserts that the purpose of punishment is not to deter or to rehabilitate but to defend society from criminal predation. Ferri reasoned that the characteristics of criminals prevented them from basing their behavior on rational calculus principles, so how could their behavior be deterred? Given the assumptions of early positivism, the only reasonable rationale for punishing offenders is to incapacitate them for as long as possible so that they no longer pose a threat to the peace and security of society.

Obviously, incapacitation “works” while criminals are incarcerated. Elliot Currie (1999) uses robbery rates to illustrate this, stating that in 1995, there were 135,000 inmates in prison whose most serious crime was robbery, and that each robber on average commits five robberies per year. Had these robbers been left on the streets, they would have been responsible for an additional $135,000 \times 5 = 675,000$ robberies on top of the 580,000 actual robberies reported to the police in 1995. Similarly, Wright (1999) estimated that imprisonment averted almost 7 million offenses in 1990. The incapacitation effect is more starkly driven home by a study of the offenses of 39 convicted murderers committed after they had served their time for murder and had been released from prison. It was found that altogether they had 122 arrests for serious violent crimes (including 7 additional murders), 218 arrests for serious property crimes, and 863 “other” arrests between them (DeLisi, 2005, p. 165).

Our discussion of these 39 murderers brings up the idea of selective incapacitation, which refers to a punishment strategy that largely reserves prison for a select group of offenders. This select group should be composed primarily of violent repeat offenders but may also include other types of incorrigible offenders. Birth cohort studies (a cohort is a group composed of subjects having something in common, such as being born within a given time frame and/or in a particular place) from a number of different locations find that about 6% to 10% of offenders commit the majority of all crimes. For instance, in the 1945 birth cohort studies by Wolfgang, Figlio, and Sellin (1972), 6.3% of the 9,945 cohort members committed 71% of the murders, 73% of the rapes, and 82% of the robberies attributed to members of the cohort.

In saving prison space mostly for high-rate violent offenders, so the reasoning goes, we both better protect the community and save it money by incarcerating fewer nonviolent offenders. The problem with this strategy involves identifying high-rate violent offenders before they become high-rate violent offenders; identifying them after the fact, as in the above cohort studies, is easy. Generally speaking, individuals who begin committing predatory delinquent acts before they reach puberty are the ones who will continue to commit crimes across the life course (DeLisi, 2005; Moffitt & Walsh, 2003). Of course, although there are a number of excellent prediction scales in use today to assist us in estimating who will and
who will not become a high-rate offender, the risk of too many false-positives (predicting someone will become a high-rate offender when in fact he or she will not) is always present (Piquero & Blumstein, 2007).

**Rehabilitation:** The term *rehabilitation* means to restore or return to constructive or healthy activity. Whereas deterrence and incapacitation are mainly justified philosophically on classical grounds, rehabilitation is primarily a positivist concept. The rehabilitative goal is based on a medical model that used to view criminal behavior as a moral sickness requiring treatment. Today, this model views criminality in terms of “faulty thinking” and criminals as in need of “programming” rather than “treatment.” Although the goal is the same as that of deterrence, it is different in that the goal is to change offenders’ attitudes so that they come to accept that their behavior was wrong, not to deter them by the threat of further punishment. Because we have a complete chapter (Chapter 14) devoted to correctional treatment and rehabilitation, we will defer our discussion of these concepts for the moment.

**Reintegration:** The goal of reintegration is to use the time criminals are under correctional supervision, either in institutions or in the community, to prepare them to reenter (or reintegrate with) the free community as well equipped to do so as possible. This goal is also known as *reentry* or *restoration*. In effect, reintegration is not much different from rehabilitation, but it is more pragmatic, focusing on concrete programs such as job training rather than attitude change. There are many challenges associated with this process, so much so that, like rehabilitation, it warrants a chapter to itself and will be discussed in detail in the chapter on parole (Chapter 8).

Table 1.1 is a summary of the key elements (justification, strategy, etc.) of the five punishment philosophies or perspectives discussed. The commonality that they all share to various extents is, of course, the prevention of crime.

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**Is the United States Hard or Soft on Crime?**

A frequently heard criticism of the criminal justice system in the United States is that the nation is soft on crime. If we define hardness or softness in terms of incarceration rates, the figure indicating incarceration rates per 100,000 for countries belonging to the *Organisation for Economic Co-operation and Development* (OECD) in 2008–2009 shown below conveys the opposite message, as does the retention of the death penalty, which has been eschewed by other “civilized” nations. Only Russia (not a member of the OECD) with a rate of 532 per 100,000 comes close to the American incarceration rate, and the closest any modern Western nation comes to the U.S. rate is England and Wales, with a rate 5 times lower (see Figure 1.2). Unfortunately, comparisons among nations relative to this question are typically made using only Western democratic nations, which leads to the conclusion that the United States is hard on crime. But if we are to make valid comparisons, we cannot cherry pick our countries to arrive at a conclusion that fits our ideology. We must compare the United States with authoritarian as well as democratic nations.

If we define hardness/softness in terms of alternative punishments or the conditions of confinement, then the United States is “soft” on crime, although a better term would be *humane*. For instance, although China is listed by Mauer (2005) as having an incarceration rate more than 5 times lower than the United States, it is the world’s leader in the proportion of its criminals it executes each year. Also, punishment in some fundamentalist Islamic countries such as Saudi Arabia and Afghanistan under the Taliban often includes barbaric corporal punishments for offenses considered relatively minor in the West. Drinking alcohol can get the drinker 60 lashes, robbers may have alternate hands and feet amputated, and

![Incarceration Rate per 100,000 in OECD Countries (2008–2009)](chart.png)

*Source: Schmitt, Warner, and Gupta (2010).*
women accused of “wifely disobedience” may be subjected to corporal punishment (Walsh & Hemmens, 2011).

Another problem with assessing the hardness or softness of the American criminal justice system based on the rates is that they are calculated per 100,000 citizens, which is not the same as the rate per 100,000 criminals. If the United States has more criminals than these other countries, then perhaps the greater incarceration rate is justified. Of course, no one knows how many criminals any country has, but we can get a rough estimate from a country’s crime rates. For instance, the U.S. homicide rate is about 5 times that of England and Wales, which roughly matches the United States’ 5 times greater incarceration rate.

However, when it comes to property crimes, Americans are about in the middle of the pack of nations in terms of the probability of being victimized (less than in England and Wales, incidentally). This fact notwithstanding, burglars serve an average of 16.2 months in prison in the United States, compared with 6.8 months in Britain and 5.3 months in Canada (Mauer, 2005), which makes the United States harder on crime than its closest cultural relatives and suggests that we may be overusing incarceration to address our crime problem. (Alternatively, from a crime control perspective, these other nations can be seen as underutilizing incarceration at the expense of raising crime rates.)

So, is the United States softer or harder on crime than other countries? The answer obviously depends on how we conceptualize and measure the concepts of hardness and softness and with which countries we compare ourselves. Compared with countries that share our democratic ideals, we are tough (and because of our retention of the death penalty, some would even say barbaric) on crime; compared with countries most distant from Anglo/American ideals, we are extremely soft, and for that we should be grateful.

In the remainder of the book, we will discuss the various components and programs of corrections, their staff, and inmates. We will begin with two chapters (2 and 3) on the history of corrections, as much of what we do today to “correct” has been tried or explored by earlier generations: We have much to learn from those experiences. We then proceed through the criminal justice process (Chapters 4 through 8); what correctional work is like for staff (Chapter 9); and the unique experiences of women, minorities, and juveniles in corrections (Chapters 10 to 12). Chapters 13 and 14 are concerned with legal issues and treatment programming and research, as both affect the operation of correctional facilities and programs. Finally, the last chapter (Chapter 15) includes a brief overview of some emerging issues and influences that we expect will shape corrections for the next several years.

Summary

- Corrections is a social function designed to hold, punish, supervise, deter, and possibly rehabilitate the accused or convicted. It is also the study of these functions.
- Although it is natural to want to exact revenge ourselves when people do us wrong, the state has taken over this responsibility for punishment to prevent endless tit-for-tat feuds. Over social evolution, the state has moved to more restitutive forms of punishment that, while serving to tone down the community’s moral outrage, tempers it with sympathy.

- Much of the credit for the shift away from retributive punishment must go to the great Classical School of criminology, which was imbued with the humanistic spirit of the Enlightenment. The view of human nature (hedonistic, rational, and possessing free will) held by thinkers of the time was that punishment should primarily be used for deterrent purposes, that it should only just exceed the gains of crime, and that it should apply equally to all who have committed the same crime regardless of any individual differences.
Chapter 1  •  The Philosophical and Ideological Underpinnings of Corrections

Opposing classical notions of punishment are those of the positivists who rose to prominence during the 19th century and who were influenced by the spirit of science. Positivists rejected the philosophical underpinnings regarding human nature of the classicists and declared that punishment should fit the offender rather than the crime. The objectives of punishment are retribution, deterrence, incapacitation, rehabilitation, and reintegration, all of which have come into favor, gone out, and come back again over the years. Retribution is simply just deserts—getting the punishment one deserves, with no other justification needed. Deterrence is the assumption that people are prevented from committing crime by the threat of punishment. Incapacitation means that the accused and convicted cannot commit further crimes (if they did so in the first place) against the innocent while incarcerated. Rehabilitation centers around efforts to socialize offenders in prosocial directions while they are under correctional supervision so that they will not commit further crimes. Reintegration refers to efforts to provide offenders with concrete skills they can use that will give them a stake in conformity. The United States leads the world in the proportion of its citizens that it has in prison. Whether this is indicative of hardness (more prison time for more people) or softness (imprisonment as an alternative to execution or mutilation) depends on how we view hardness versus softness and with which countries we compare the United States.

Key Terms

Classical School  •  Corrections  •  Contrast effect  •  Deterrence  •  Discretion  •  Enlightenment  •  General deterrence  •  Hedonism  •  Hedonistic calculus  •  Incapacitation  •  Penology  •  Positivists  •  Principle of utility  •  Punishment  •  Recidivism  •  Rehabilitation  •  Reintegration  •  Restitutive justice  •  Retribution  •  Retributive justice  •  Selective incapacitation  •  Specific deterrence

Discussion Questions

1. Discuss the implications for a society that decides to eliminate all sorts of punishment in favor of forgiveness.

2. Why do we take pleasure in the punishment of wrongdoers? Is it a good or bad thing that we take pleasure in punishment? What evolutionary purpose does punishment serve?

3. Discuss the assumptions about human nature held by the classical thinkers. Are we rational, seekers of pleasure, and free moral agents? If so, does it make sense to try to rehabilitate criminals?

4. Discuss the assumptions underlying positivism in terms of the treatment of offenders. Do they support Garofalo or von Liszt in terms of the meaning these assumptions have for punishment.

5. Which justification for punishment do you favor? Is it the one that you think “works” best in terms of preventing crime, or do you favor it because it fits your ideology?

6. What is your position on the hardness/softness issue relating to the United States’ stance on crime? We are tougher than other democracies. Is that okay with you? We are also softer than more authoritarian countries. Is that okay with you also? Why or why not?