The primary responsibility of the government is to protect its citizens from those who would harm them. The military protects us from foreign evildoers, and the criminal justice system protects us from domestic ones. The criminal justice system is roughly divided into three categories: 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, one that comes into play after the accused has been caught by law enforcement, prosecuted, and convicted by the courts.

Corrections is a generic term covering a 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 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 offenders. As the term implies, the correctional enterprise exists to “correct,” “amend,” or “put right” the attitudes and behavior of its “clientele.” This is a difficult task because many offenders 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 think that the correctional process should be called the “punishment process” (Logan & Gaes, 1993) because the correctional enterprise is primarily about punishment, which 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 corrections. Some thinkers (mostly influenced by sociology) assume that human nature is socially constructed—that is, the human mind is basically a “blank slate” at birth and subsequently formed by cultural experiences. These folks tend to see human nature as essentially good and believe that antisocial people must learn to be that way. 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. These theorists do not deny that specific behaviors are learned, but rather, they maintain that certain traits evolved in response to survival and reproductive challenges. Some of these traits, such as aggressiveness and low empathy, are useful in pursuing criminal goals. This viewpoint also sees human nature as essentially selfish (not “bad,” just self-centered), and believes people must learn to be prosocial rather than antisocial. The point we are making is that our assumptions about human nature 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 BC (the origin of the Hebrew code “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. Such blood feuds perpetuated the injustice that “righteous” revenge was supposed to diminish. The law sought to contain uncontrolled vengeance by substituting controlled vengeance.

“Controlled vengeance” means that the state takes away the responsibility for punishing wrongdoers from the individuals who were wronged and assumes it for itself. Early state-controlled punishment, however, was typically as uncontrolled and vengeful as any grieving parent might inflict on the murderer of his or her child. Prior to the 18th century, all human beings in the Christian world 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.

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 the mental distance between people and an expansion of the circles of individuals considered “just like us.”

**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. The leader of this school, 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.

Beccaria (1764/1963) also asserted that punishments should be proportionate to the harm done, should be identical for identical crimes, and should be applied without reference to the social status of either offender or victim. 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 legally prescribed punishment if the accused was found guilty.

Many of Beccaria’s 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 ideas tapped into and broadened the scope of emotions such as sympathy and empathy among the political and intellectual elite of Enlightenment Europe. We tend to feel empathy for those whom we view as “like us,” and this leads to sympathy, which may lead to an active concern for their welfare. Thus, with cognition and emotion gelled 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 was easily summed up in this way: “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.

### 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 of the idea of “born criminals.” Nevertheless, positivism slowly moved the criminal justice system away from a 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 that may be out of the actor’s control, the concept of legal responsibility was called into question. For instance, Italian lawyer Raffaele Garofalo (1851–1934) believed that because human action is often evoked by circumstances beyond human control (temperament, extreme poverty, intelligence, certain situations), the only thing to be considered at sentencing was the offender’s “peculiarities,” or risk factors for crime.

Garofalo’s (1885/1968) only concern for individualizing sentencing was the danger offenders posed to society, and his proposed sentences ranged from execution for what he called extreme criminals (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 (1851–1919), on the other hand, campaigned for customized sentencing according to the rehabilitative potential of offenders, which was to be based on what scientists found out about the causes of crime (Sherman, 2005).

### 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 precivilized 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 that 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”).

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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). 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). 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, as well as justifying the imposition of a painful burden on someone. When we speak of justifying something, 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”). Legal scholars 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. All theories 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. Rationality involves a logical “fit” between the goals people strive for and the means they use to achieve them. To 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 generally know what is right and what is wrong and choose the latter, society has a perfectly legitimate right to punish those who harm it. The following is a brief discussion of all five philosophies of punishment.

**Retribution**

Retribution is a “just deserts” model that demands that punishment match the degree of harm criminals have inflicted on their victims—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 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. 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. 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).

**Deterrence**

The principle behind deterrence is that people are deterred from crime by the threat of punishment either when it is applied to the individual committing a crime (specific deterrence) or when potential offenders are aware of the possibility of punishment (general deterrence).

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 punished is called recidivism, 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 (M. 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 big factor (R. Wright, 1999).

For punishment to positively affect future behavior, 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 painful. The most important of these is certainty, but as we see from Figure 1.1 showing clearance rates (the percentage of incidents in which a perpetrator has been arrested, or has been identified but not
available for arrest for some reason, e.g., is deceased or out of the country) 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 appears to be a rational career option for the capable criminal.

If a person is caught, the wheels of justice grind very slowly. Typically, many months pass between the act and the imposition of punishment—so much for swiftness. 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).

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 to lose, arrest and punishment may be perceived as merely an inconvenient occupational hazard. 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, “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 threat of punishment for law violators deters a large but unknown number of individuals who might commit crimes if no such system existed.

Are we putting too much faith in the ability of criminals and would-be criminals to calculate the costs and benefits 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 evidence underscoring the classical idea that individuals do (subconsciously at least) calculate the ratio of expected pleasures to possible pains when contemplating their actions. Gary Becker (1997) 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 the United Kingdom 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 R. 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 (Rosenfeld, 2000; Spelman, 2000). Of course, this leaves 75% of the variance to be explained by other factors. 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.

**Incapacitation**

**Incapacitation** refers to the inability of criminals to victimize people outside prison walls while they are locked up. Its rationale is 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 (1856–1929) concept of social defense. For Ferri (1897/1917), to determine punishment, notions of culpability, moral responsibility, and intent were secondary to an assessment of
Section I  The Philosophical and Ideological Underpinnings of Corrections

offenders’ strength of resistance to criminal impulses, with the express purpose of averting future danger to society. He believed that moral insensibility and lack of foresight, underscored by low intelligence, were the criminal’s most marked characteristics. Thus, the purpose of punishment is not to deter or to rehabilitate but to defend society from criminal predation. The characteristics of criminals prevent them from basing their behavior on rational calculus principles, so how could their behavior be deferred? 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.

Incapacitation obviously “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 x 5 or 675,000 robberies on top of the 580,000 actual robberies reported to the police in 1995. Similarly, Richard 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 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).

This brings up the idea of selective incapacitation, which is a punishment strategy that largely reserves prison for a select group composed primarily of violent repeat offenders but which 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.

Saving prison space mostly for high-rate violent offenders better protects the community and saves it money. The problem with this strategy, however, involves identifying these offenders before they become high-rate violent offenders; identifying them after the fact 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 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 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.” The goal of rehabilitation 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. We defer further discussion of rehabilitation until Section X, devoted to correctional treatment and rehabilitation.
Reintegration

The goal of reintegration is to use the time criminals are under correctional supervision to prepare them to reenter (or reintegrate with) the free community as well equipped to do so as possible. 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 section to itself and will be discussed in detail in the context of parole, in Section VII.

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.

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, Figure 2.1, which indicates incarceration rates per 100,000 for countries belonging to the Organisation for Economic Co-operation and Development (OECD) in 2008–2009, 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). Comparisons among nations on this question are typically made using only Western democratic nations, which leads to the conclusion that the United States is hard on crime.

<table>
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<th>Table 1.1 Summary of Key Elements of Different Correctional Perspectives</th>
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<td><strong>Retribution</strong></td>
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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 women accused of “wifely disobedience” may be subjected to corporal punishment, such as a lashing (Walsh & Hemmens, 2011).

Another problem is that crime rates 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. 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. Yet 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). Does this mean that the United States is too hard, or Britain and Canada too soft?

So, is the United States softer or harder on crime than other countries? The answer obviously depends on how we understand 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 soft, and for that we should be grateful.

**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 our 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 (as 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.

- 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.
Section I  The Philosophical and Ideological Underpinnings of Corrections

KEY TERMS

Classical School  hedonistic calculus  rehabilitation
correct affect  incapacitation  reintigration
corrections  penology  restitutive justice
deterrence  positivism  retribution
Enlightenment  principle of utility  retributive justice
general deterrence  punishment  selective incapacitation
hedonism  recidivism  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? Why or why not?

USEFUL INTERNET SITES

American Correctional Association (many interesting articles on corrections in general): www.aca.org
Bureau of Justice Statistics (information available on all manner of criminal justice topics): www.bjs.ojp.usdoj.gov
Vera Institute (information available on a number of corrections and other justice-related topics): www.vera.org