

A M E R I C A ' S

PRISONS

OPPOSING VIEWPOINTS[®]



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A M E R I C A ' S P R I S O N S

OPPOSING VIEWPOINTS

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OPPOSING VIEWPOINTS SERIES ®

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"Congress shall make no law . . .
abridging the freedom of speech,
or of the press."

First Amendment to the U.S. Constitution

The basic foundation of our democracy is the first amendment guarantee of freedom of expression. The Opposing Viewpoints Series is dedicated to the concept of this basic freedom and the idea that it is more important to practice it than to enshrine it.

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Why Consider Opposing Viewpoints?

"It is better to debate a question without settling it than to settle a question without debating it."

Joseph Joubert (1754-1824)

The Importance of Examining Opposing Viewpoints

The purpose of the Opposing Viewpoints Series, and this book in particular, is to present balanced, and often difficult to find, opposing points of view on complex and sensitive issues.

Probably the best way to become informed is to analyze the positions of those who are regarded as experts and well studied on issues. It is important to consider every variety of opinion in an attempt to determine the truth. Opinions from the mainstream of society should be examined. But also important are opinions that are considered radical, reactionary, or minority as well as those stigmatized by some other uncomplimentary label. An important lesson of history is the eventual acceptance of many unpopular and even despised opinions. The ideas of Socrates, Jesus, and Galileo are good examples of this.

Readers will approach this book with their own opinions on the issues debated within it. However, to have a good grasp of one's own viewpoint, it is necessary to understand the arguments of those with whom one disagrees. It can be said that those who do not completely understand their adversary's point of view do not fully understand their own.

A persuasive case for considering opposing viewpoints has been presented by John Stuart Mill in his work *On Liberty*. When examining controversial issues it may be helpful to reflect on this suggestion:

The only way in which a human being can make some approach to knowing the whole of a subject, is by hearing what can be said about it by persons of every variety of opinion, and studying all modes in which it can be looked at by every character of mind. No wise man ever acquired his wisdom in any mode but this.

Analyzing Sources of Information

The Opposing Viewpoints Series includes diverse materials taken from magazines, journals, books, and newspapers, as well as statements and position papers from a wide range of individuals, organizations, and governments. This broad spectrum of sources helps to develop patterns of thinking which are open to the consideration of a variety of opinions.

Pitfalls to Avoid

A pitfall to avoid in considering opposing points of view is that of regarding one's own opinion as being common sense and the most rational stance, and the point of view of others as being only opinion and naturally wrong. It may be that another's opinion is correct and one's own is in error.

Another pitfall to avoid is that of closing one's mind to the opinions of those with whom one disagrees. The best way to approach a dialogue is to make one's primary purpose that of understanding the mind and arguments of the other person and not that of enlightening him or her with one's own solutions. More can be learned by listening than speaking.

It is my hope that after reading this book the reader will have a deeper understanding of the issues debated and will appreciate the complexity of even seemingly simple issues on which good and honest people disagree. This awareness is particularly important in a democratic society such as ours where people enter into public debate to determine the common good. Those with whom one disagrees should not necessarily be regarded as enemies, but perhaps simply as people who suggest different paths to a common goal.

Developing Basic Reading and Thinking Skills

In this book, carefully edited opposing viewpoints are purposely placed back to back to create a running debate; each viewpoint is preceded by a short quotation that best expresses the author's main argument. This format instantly plunges the reader into the midst of a controversial issue and greatly aids that reader in mastering the basic skill of recognizing an author's point of view.

A number of basic skills for critical thinking are practiced in the activities that appear throughout the books in the series. Some of the skills are:

Evaluating Sources of Information. The ability to choose from among alternative sources the most reliable and accurate source in relation to a given subject.

Separating Fact from Opinion. The ability to make the basic distinction between factual statements (those that can be demonstrated or verified empirically) and statements of opinion (those that are beliefs or attitudes that cannot be proved).

Identifying Stereotypes. The ability to identify oversimplified, exaggerated descriptions (favorable or unfavorable) about people and insulting statements about racial, religious, or national groups, based upon misinformation or lack of information.

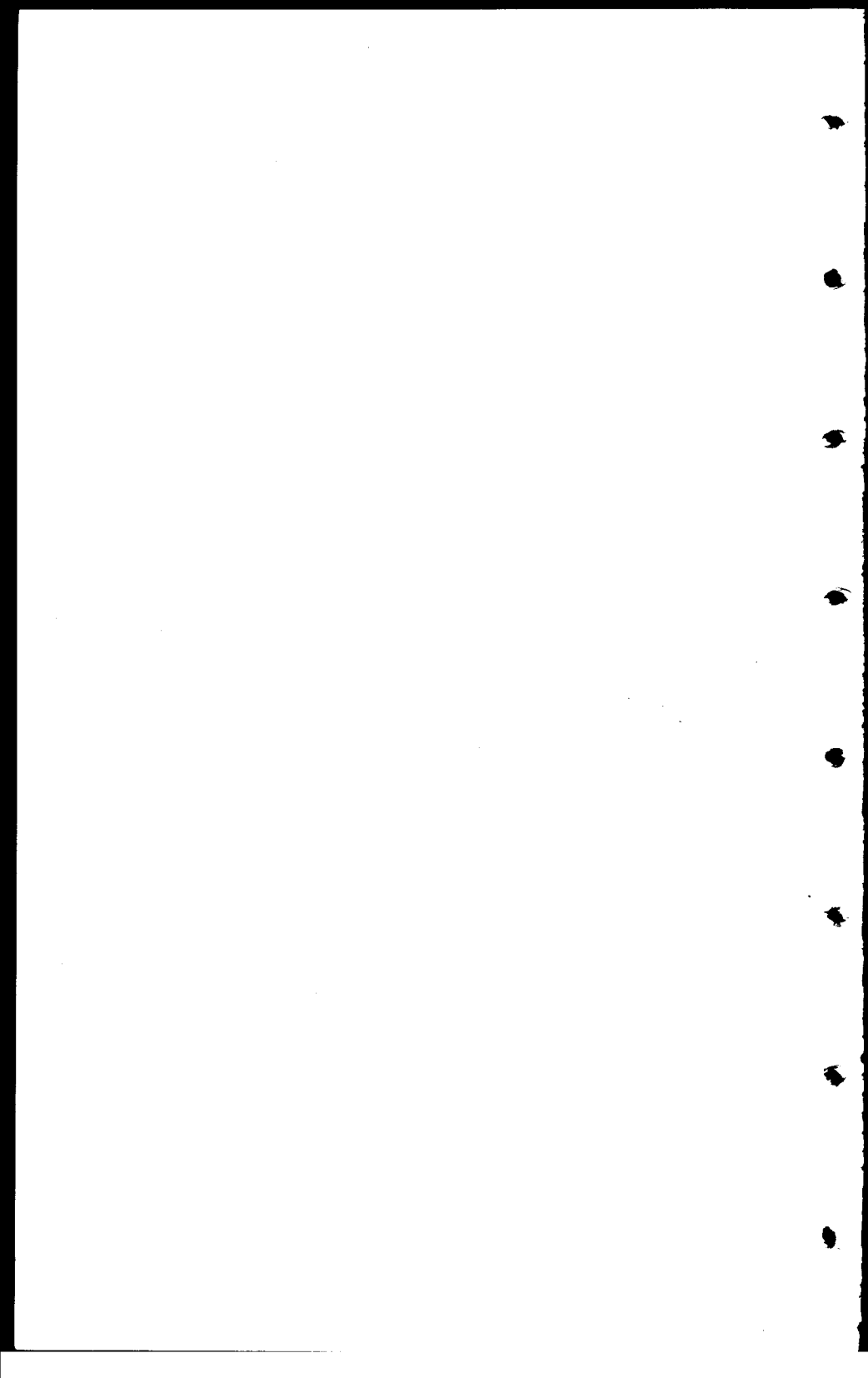
Recognizing Ethnocentrism. The ability to recognize attitudes or opinions that express the view that one's own race, culture, or group is inherently superior, or those attitudes that judge another culture or group in terms of one's own.

It is important to consider opposing viewpoints and equally important to be able to critically analyze those viewpoints. The activities in this book are designed to help the reader master these thinking skills. Statements are taken from the book's viewpoints and the reader is asked to analyze them. This technique aids the reader in developing skills that not only can be applied to the viewpoints in this book, but also to situations where opinionated spokespersons comment on controversial issues. Although the activities are helpful to the solitary reader, they are most useful when the reader can benefit from the interaction of group discussion.

Using this book and others in the series should help readers develop basic reading and thinking skills. These skills should improve the reader's ability to understand what is read. Readers should be better able to separate fact from opinion, substance from rhetoric, and become better consumers of information in our media-centered culture.

This volume of the *Opposing Viewpoints Series* does not advocate a particular point of view. Quite the contrary! The very nature of the book leaves it to the reader to formulate the opinions he or she finds most suitable. My purpose as publisher is to see that this is made possible by offering a wide range of viewpoints that are fairly presented.

David L. Bender
Publisher



Introduction

"The Law, like a good archer, should aim at the right measure of punishment."

Plato, *Laws*, XI

Prisons have become the central component of America's criminal justice system. While all societies have felt compelled to punish those people who violate the law, the United States has extensively developed and relied upon its prison system to perform this function. Indeed, according to a 1991 research report prepared by the Sentencing Project, a national nonprofit organization that promotes sentencing reform, the United States now imprisons more of its citizens than any other nation in the world. Although America has always relied heavily on incarceration as a sanction for criminal behavior, an examination of the nation's history reveals considerable variation in public attitudes toward convicted felons. While periods of liberal reform appear to be correlated with support for the enlightened treatment of prisoners and the upgrading of prison conditions, in less liberal times, the opposite is true.

In Colonial America, prison systems employed barbaric techniques whose main purpose was clearly revenge. Corporal punishments were swift, painful, and supposedly corrective. Public degradation was a common chastisement for minor offenses, while hanging, burning at the stake, and breaking on the rack were among the principal punishments applied for more serious crimes. These harsh punishments clearly reflect a society which believed in the innate evil of the criminal. They also exemplify a tendency to use punishment for its own end, with no regard for potential rehabilitation.

However, progress and change, so obvious in other aspects of everyday life, also affected the penal system. The first predecessor of the prisons we know today was erected in 1790 in Pennsylvania. Built mainly through the reform efforts of the Quakers, its goal became not punishment but correction, and as such was far ahead of its time. Consistent with the Quakers' ethics, the method called for solitary confinement without work. It was assumed that offenders would be more quickly repentant and ultimately reformed if they could reflect on their crimes unham-

pered by distractions.

The idea that criminals could be "corrected" and that reforms in the prison system would enable criminals to return to a normal life eventually became the criteria for determining the state of prisons and the treatment of inmates. After 1870, prisons began to employ such practices as prisoner education, vocational training, indeterminate sentencing, and parole. These new methods and the growing faith in prisoner rehabilitation clearly reflected a radical change from the inhumane treatment and fatalistic attitudes of earlier times.

Another factor significantly affected modern attitudes toward prison conditions and the treatment of inmates. During the 1940s, increased reliance upon and respect for the social science of psychology essentially changed the way criminologists viewed the criminal mind. Oral and written psychological tests were employed in an effort to determine the factors motivating criminal behavior. The upbringing, environment, and conscious and subconscious motives of criminals were examined to help determine not only why criminals behave as they do but also how best to deal with them.

Belief in rehabilitation gradually waned after the mid-1970s, however, as major evaluations of rehabilitation programs cast doubt on their ability to improve recidivism rates among convicted felons. Indeed, the findings of one prominent investigator, Robert Martinson, were widely accepted as proof that nothing works in the treatment of offenders. Declining faith in efforts at rehabilitation coincided with increased public intolerance for crime and criminals. This intolerance is reflected in the harsher prison sentences meted out to offenders in recent years. As incarceration rates have increased, living conditions in prisons and jails have deteriorated badly. Furthermore, the availability of rehabilitation programs has decreased as the system struggles simply to accommodate the increased prisoner volume.

America's Prisons: Opposing Viewpoints debates five important questions: What Is the Purpose of Prisons? How Do Prisons Affect Criminals? How Can Prison Overcrowding Be Reduced? Should Prisons Be Privatized? and What Are the Alternatives to Prisons? The materials included are drawn from a wide spectrum of sources and individuals. Judges, psychologists, prisoners, and others are represented in this volume. Each of the debates revolves around these related issues: How, if at all, can society make prisons effective? Or more to the point, how can prisons control future criminal behavior and protect society? As readers explore these topics, the complexity and necessity of dealing with prisons make it clear that the debate will continue.

1 CHAPTER

What Is the Purpose of
Prisons?

**AMERICA'S
PRISONS**

Chapter Preface

One of the fundamental disagreements in the debate over the purpose of prisons is whether prisons should punish offenders or attempt to rehabilitate them. Allan C. Brownfeld, a syndicated columnist whose editorials appear frequently in such conservative publications as *Human Events*, *Washington Inquirer*, and *Conservative Chronicle*, makes a cogent case for punishment. Brownfeld argues that society has lost sight of the fact that criminals are responsible for their actions and thus deserve punishment. Indeed, he rejects most efforts at prisoner rehabilitation because they dilute the principle of personal responsibility for wrongdoing. As Brownfeld puts it, American society does not require "psychological theories of 'rehabilitation,' . . . but a concept of responsibility for the results of one's actions and punishment for serious violations. It is high time that the concept of punishment was rediscovered."

On the other hand, Warren Burger, a former chief justice of the United States Supreme Court, believes that society has an obligation to rehabilitate those it imprisons. If prisons are merely warehouses, Burger argues, inmates will almost certainly return to crime when released. Burger contends that prisons should become "factories with fences," in which offenders are rehabilitated through productive work programs. Putting prisoners to work would provide them with marketable skills to obtain work in the world outside prison and would instill in them the discipline they need to remain employed, Burger concludes.

Should prisons punish or rehabilitate offenders? The following chapter addresses this question and explores the broader debate about the proper purpose of prisons.