Introduction

‘What is crime? Who are criminals? Why do people commit crimes? Because on the answer to these questions depends the whole philosophy of the Prison and Probations Services.’

Dating back to the 1870’s, crime and deviance has been an influential societal element that has moulded our society to what we are accustomed to today. The want for distinguishing the good from the bad is a strong presence in many aspects of society and the topic of crime and deviance offers no exception. Differentiating criminals by biology, personality and social disorganization reflects the importance that sociologists place on the protection of the public from the delinquent. Controlling crime by excluding offenders and convicts from society offers reflection on the purpose and aims of prisons as a re-socialisation agency.

Thus the underlying principle of prisons is to readjust and improve the delinquent behaviour of offenders. In turn, this will aid and support the individual to play a proper role in society upon release. For this reason, many politics are eager to rely on longer prison sentences, such as the punitive justice system of America. But with every 139 per 100,000 criminals being imprisoned and with figures showing no sign of slowing, many have argued that prisons are not doing their job at re-socialising individuals and lowering crime rates.

There are many points of disagreement as to whether prisons wield their role in reforming convicted criminals and preventing new crimes from being committed. To establish a good argument and critique, the effect of prison on its offenders will be examined alongside various sociological criticisms. This will be reflected in section one, where analysis of the current prison regime will be considered alongside its flaws. Section two will focus on the alternatives to the modern day prison, addressing any underlying criticisms imprisonment carries. This will be followed by the final section, which will draw on conclusions and analyse the relationship between adopting a restorative system over a punitive one. To make a comprehensive assessment, there will be analysis of current political, legal and social matters defining imprisonment in modern day society and conceptual issues will be discussed to analyse why criminals behave in the manner in which they do. Furthermore, the relationship between these issues will be connected to aid design a prison reform to fit the prisoners needs, leading to successful rehabilitation and lower rates of recidivism.

Section One: The Modern Day Prison

1 N Tyndall, ‘Prison People’ (Educational Explorers Ltd, 1967) ch.8
3 Cane, ‘The Punishment and Prevention of Crime’ (Macmillan & Co, 1885) p.65
4 Op Cit. n.2, p.830
noting that securing familial bonds can be an invaluable source of support to prisoners and provides social support which can lead to lower levels of recidivism.

\[\text{ii) Distinct norms, values and attitudes}\]

As already discussed, living in prison conditions leads to a barrier between prisoners and the outside world. Having this barrier prevents offenders adjusting their deviant behaviour to the norms of society, often leaving inmates with their own distinct norms, values and attitudes. Giddens notes that prisoners often need to get accustomed to surroundings separate from their own and adopt habits the opposite to ones they are meant to acquire.\(^{25}\) Examples of this may be seen in the distrust of authority, acceptance of violence and networking with experienced criminals.\(^{26}\) These illustrations are the reason that prisons are often referred to as the ‘Universities of Crime’, due to prisoners gaining criminal knowledge that they would not have learnt if not being imprisoned with seasoned criminals.\(^{27}\) This may give insight into the extremely high rates of recidivism in prisons within the United Kingdom, with 60% of male prisoners re-offending within four years of their initial crimes.\(^{28}\) Although indicating that prisons are an ineffective form of rehabilitation, government has reacted to these figures by toughening prison sentences which may be reflected by the current punitive justice system in the United States.

With every 698 people in 100,000 being incarcerated\(^ {29}\), America can be seen as the most punitive justice system of our time. The justification for such a system is derived from the countries historical roots, starting with Presidents Nixon’s fight against crime and drugs appearing alongside the social change in America in the 1960’s.\(^ {30}\) This is further illustrated by the passing of the Comprehensive Crime Control Act 1984\(^ {31}\) which toughened sentencing guidelines. Although its initial aim was to make the system fairer and more just, the guidelines approved of harsher and longer sentences for a wide variety of crimes. On top of this, The Crime Bill\(^ {32}\) was at the forefront of the punitive justice system, providing states with funding to expand policing departments, building prisons and passing stricter sentencing laws. Although gaining much support under the ‘Broken Windows Theory’\(^ {33}\) by providing harsher punishments for minor crimes, there has been no significant drop in crime rates. As evidence reflects, the United States punitive justice system has proven to lead to unsuccessful rates of rehabilitation with America housing 25% of the world’s prisoners although the country only amounts to 5% of the world’s population.\(^ {34}\)

Similar to the United States, there is support of adopting a punitive justice system in the United Kingdom. With the over-crowding of prisons leading to the construction of new prison.

\(^{25}\) Op. Cit. n.2, p.831


\(^{27}\) Op. Cit. n.25

\(^{28}\) D. Nagin et al ‘Imprisonment and Reoffending’ (2009) 38 Crime & Just. 115

\(^{29}\) Op. Cit. n.2, p.832

\(^{30}\) M. McShane ‘American Prisons’ (Routledge, 2006)

\(^{31}\) The Comprehensive Crime Control Act 1984

\(^{32}\) The Violent Crime Control and Law Enforcement Act 1994


\(^{34}\) Op. Cit. n.29