

The IOM prison places significant emphasis on the rehabilitation of offenders. Should prisons be for punishment or rehabilitation? Why?

I believe that a robust prison system should allocate the majority of its resources to providing rehabilitative care for its criminals. It is important to note that there will always be a disparity between the idealistic and realistic outcomes proposed to questions such as this because of the age-old 'finite resources but infinite wants' adage. I will mainly focus on what a prison system would include in an idealistic world; in other words, what I think it 'should' be.

To start, we must consider the base aims of both rehabilitative and punitive systems. The goal of rehabilitation is to provide the criminal with constructive environments and input to reduce the chance of recidivism and increase their functioning as a member of society upon release. On the other hand, punitive justice emphasizes retribution and deterrence: harsh sentences are meant to both help the victims feel as though justice has been served and also stop potential offenders from breaking the law due to fear of incurring the same fate.

Taking the view that the justice system should be rehabilitating criminals is increasingly popular. It has attracted many advocates for the improvement of the prison system, often categorising themselves under the broad term of 'penal reformists'. One of their biggest concerns is the idea of striking the balance between effectiveness and ethics (which may not always be mutually exclusive). When talking idealistically about how governments 'should' do things, ethics should be at the forefront. To utilitarians, the ethical choice is the one that 'will produce the greatest good for the greatest number'. One of the most famous advocates for penal reform was Jeremy Bentham, who is said to be the father of utilitarianism itself. He questioned the role of punishment for punishment's sake: once the criminal has been punished, who has been helped, and how has society benefited? The victim may have been financially compensated and gained some satisfaction from the knowledge that the wrong done to them has been avenged, but society as a whole has not gained. This is barely short of a condemnation of a punitive system which is built upon the belief that the 'eye for an eye' exchange is productive.

To further the point of ethics, I believe that punishing someone harshly (or, depending on how deterministic one is feeling, at all) for their actions is only morally justifiable if it is wholly, irrefutably their fault. This leads into territory that is very close to the free-will vs determinism debate: some would say that there is no choice being made when a criminal commits a crime because they are merely exercising the option that they feel is best, which is somewhat counter-intuitively a very rational thing to do. The course of action may not objectively be the best thing for them - indeed, it often isn't - but they are driven to do it. Regardless of whether the action was beneficial, they felt that they were doing the best thing for them at that time. One must then question what it is that makes them slip down that decision-making gradient. Genetics will only take the decision-making process so far (in that those genetically predisposed to mental conditions such as psychopathy will have different frames of reference than the average person) so the environment, both past and present, must make up the rest. One's present environment is the result of the initial environment combined with actions which led to new different environments. In short, this deterministic view states that where you are born dictates what happens to you as every so-called 'decision' is influenced by things out of your control. If this hard, d'Holbachian-style determinism is true (or as close to the truth as we can get)

then punishment, and the associated punitive system, is morally repugnant because we are punishing people for their circumstances.

This hard determinism, and thus the need for rehabilitation, can be seen in Venkatesh's 2008 book, *Gang Leader for a Day: A Rogue Sociologist Takes To The Streets*. Within, Venkatesh finds that the low-level members of a Chicago drug network were earning just \$3.30 an hour and had a higher chance of dying on the streets than someone on the Texas death row. Who could choose to live that way?

Simply put: they don't. The Chicago Literacy Alliance states that 61% of low-income households had no children's books, and estimated that 39% of Chicago's public school (US equivalent of the UK state school) students did not meet the standard reading and writing level¹. Lack of access to appropriately challenging material will stunt the development of key skills and will have a large knock-on effect to the rest of the child's personal life. This also means that absurd numbers of young people may not have the skills required for many jobs so may see gang membership as a rational decision. If arrested, they should not be punished further for factors out of their control. They should instead be given the tools they needed years ago rather than risk the possibility of enforcing anti-social behaviour. Of course, this process should not require a crime in the first place - improved access to resources for those in the schooling system would be a great advancement, and surely the first thing to change in an ideal world - but the justice system would still be an effective place for this to happen.

Mental health is linked to the deterministic theme in that much of it is genetic. It is also strongly correlated with incarceration which makes it relevant. For example, in 2015 IOMTODAY published an article claiming that 50% of the Island's prisoners had diagnosed mental health issues², while US research found that around 40% of those with 'serious mental disorders' (classified as major depression, schizophrenia and borderline personality disorder) will be incarcerated at least once³. A punitive system simply doesn't have the means to facilitate the needs of people with mental health issues in any way. This is evident in Leibling's 1999⁴ paper which found that suicide rates within US prisons were four times higher than those in the general population; pre-existing mental health conditions will certainly have accounted for a large portion of these, but the cases of those who had felt compelled to commit suicide are just as important to look at because they too show the failings of the US's system.

This is compounded by the Prison Reform Trust's reports that the Prisons and Probation Ombudsman found that 'no mental health referral was made when it should have been in 29% of self-inflicted deaths where mental health needs had already been identified' in the US⁵. This is damning evidence of a systematic failure of the harsh, punitive system within the States, and another reason for the furthering of rehabilitation. Improved accessibility and quality of mental health treatment is one of its crucial points.

To conclude, I believe that the morally just thing to do is to make prisons into the rehabilitative centres they have the potential to be. Whether this shift is feasible, especially in the privatised systems around the world, is a tough question to answer. Regardless, I think we must make every effort to restructure the justice system to provide the best care we can to those who have shown they need it the most.

- 1: <http://chicagoliteracyalliance.org/about/why-were-here/>
- 2: Now unavailable, via <https://www.prisonstudies.org/country/isle-man-united-kingdom>
- 3: https://www.treatmentadvocacycenter.org/storage/documents/final_jails_v_hospitals_study.pdf
- 4: Alison Liebling (1999). "Prison Suicide and Prisoner Coping". *Crime and Justice*. The University of Chicago Press.
- 5: <http://www.prisonreformtrust.org.uk/WhatWeDo/Projectsresearch/Mentalhealth>