



O C A

CRIMINOLOGY

PRISONS IS IMPRISONMENT THE BEST WAY TO DEAL WITH OFFENDERS?

A SHORT ESSAY ABOUT PRISONS AND
PENAL SYSTEM IN ENGLAND AND WALES

‘Her Majesty’s Prison Service serves the public by keeping in custody those committed by the courts. Our duty is to look after them with humanity and to help them to lead law-abiding and useful lives in custody and on release’. [Cavadino & Dignan, 1997: p114]

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A brief history

As the population grow and people organized communities and societies, there were always some people to offend the rules and norms of these groups and societies. The way the authorities dealt with the offenders changed throughout the history and it is in a continuous progress till today.

Before the eighteenth century the criminals were treated with severe torture and many of them were executed in public (bloody code). By the end of 1700's the way they dealt with the criminals has changed [Foucault.1991] and the idea of training and controlling the offenders appeared which was known as enlightenment era. This change due to the way people understood the world and the conditions of human nature from the previous century.

Through the latter centuries prisons changed from the houses of corrections to private prisons and later to the central government (home office) controlled prisons.

HOW TO DEAL WITH THE OFFENDERS- DOES PRISON WORK?

How to deal with the offenders? This question remains the most difficult question to be answered by philosophers, scientists, theorists, politicians and criminologists throughout the history. People needs security and maintaining Law and Order “As prison has the highest profile of any sanction in common use in our kind of society, it plays an important part in reassuring people that ‘something is being done’ about the problem of law and order, and the social threats which they are persuaded to take most seriously.” [Cavadino & Dignan, 1997: p 113].

From the functionalist view prison is an important institution in order to control the selfishness of human nature, egoism, and to treat the unruly people with justice. With punishment, they argue, we may show the citizens the limits of acceptable behaviour. They also argued that punishment and imprisonment makes the criminals negative models for the younger generation [Durkheim, 1960].

The Marxists argue that prison is a means in the hands of capitalists to exploit the lower or working classes and making them a tool in their hands outside or inside prisons, in order to make bigger capitals and collecting more power and money. “Prison and other correctional institutions were repressive forms of social control, born out of class conflict and designed to protect the vested interests of a wealthy and governing class.” [McLaughlin& Muncie, 2001: p 173]. So the Marxists do not agree with any kind of prison as a way to control crime and maintain law and order. They argue that capitalism is the source and cause of all the problems and offends in the society and only by changing the system in to a socialist system, they argue, we may put an end to all the social, economical and legal problems.

The Marxists argue that the houses of correction was not a humanitarian change in prison system but “the shift from prisons as places of custody to places of punishment and labour exploitation was based on economic rather than humanitarian motives: the principal objective was not the reformation of inmates, as argued by van der Silce, but the rational exploitation of their labour power.” [Ibid p 162]

CRIME BETWEEN PREVENTION AND PUNISHMENT

Crime is one of the most dangerous diseases, we may think about treating criminals as we treat a man suffering from plague [Crow: 2001]. Crime as a disease needs prevention and treatment, but the prevention is more vital. The functionalists argue that the body of society is just like human body, when an organ is not functioning well it affects the whole body. From this point of view we may say that in order to have a healthy society we need to plan for crime prevention through reassuring morality and discipline. [Durkheim: 1960]

Discipline and morality put limitations to human desires and prevent individuals from entering the forbidden territory of crime. We may grow discipline and morality in the society through education and different social institutions. [Ibid] the functionalists agree with the idea of imprisonment as the last chance to deal with the offenders, as the selfishness of human nature is not always under control and through punishment we may show the people their limits. Crime and punishment is always a career opportunity for many many people in the society. [Ibid]

The Interactionists do not agree with the idea of imprisonment, they argue that crime and offence are belonging to our interior beings and we have to deal with it through creating healthier environment for the individuals and not labelling them with crime and deviance. [Becker: 1968]

Imprisonment labels people, interactionists argue, and pushes people to more offence rather than correcting them. This coincides with youth offenders who may enter prison for a small offence and coming out with a big knowledge about different crimes with the label of 'you are criminal' in his mind. The so-called correction institutions such as prisons, mental health hospitals and etc., interactionists argue, confirm the identity of the labelled person and create a wider gap between him and the normal social life.

If we work for crime prevention or reducing it, that means there will be less people to go to prison and it may bring the level of prison use down to a significant degree. In the way for crime prevention we need to improve education, media, social institutions, youth organizations and health departments in a way to educate and grow a healthier generation. The government's policy towards the youth offenders by cooperation with the families is maintaining this theory, through support and advice for parents and through strengthening different social institutions in order to involve the young people in social, educational and employment activities not in crime. [Home Office May 21st 2003]

Prison and punishment: reality and idealism

Different theorists have different views towards crime and punishment and there is always a gap between what is written in books and the real life "There is always likely to be a significant gap between the provision of formal justice 'in the books' and substantive justice in practice, and this gap will almost inevitably be increased in an institution like the prison which lacks visibility and legitimacy, where prisoners are relatively powerless and where relationships between different groups of inhabitants are in a poor state." [Cavadino & Dignan, 1997: p 145]

As crime is unavoidable from one hand and people need security from the other, so the next question is about the inevitability of prison. No government or authority could avoid prison totally but we may segregate the offenders between who may be controlled without prison and the most dangerous ones who have to be controlled immediately.

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The condition of the prisons and the treatment of the offenders inside prison is another matter, because “men come to prison as a punishment not for punishment.” [Paterson, 1951:23] treating the prisoners both with justice and humanity and providing essential live necessities: through education, health and leisure facilities are vital to ensure the humane treatment. “Between 1984-5 and 1993-4, the education budget in prisons was reduced from 3.55 per cent of the Prison Service’s budget to 2.94 per cent, and seems likely to fall even further as a result of prison budget cuts.” [Cavadino & Dignan, 1997: p 124]

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OCA Criminology Course **A t a K a r i m A r i f**

Kip Kinkel **The Killer at Thurston High**

On May 1998, 15-year-old Kipland Kinkel killed his parents at home and later on two of his friends, and wounded 22 in the school cafeteria in Thurston high school. In Springfield, Oregon, USA.

This crime was a big shock for USA and the world, so there were a lot of discussions, writings and analyses about it by the courts, media, communities and criminologists. In this essay I shall try to apply some criminological theories to this crime in order to find out about the reasons behind this crime, according to these theorists.

According to the functionalism theory of crime, all the institutions in society are related to each other in a strong relationship similar to the organic relationship of human body. When an organ is not working well it affects all the body.

In the Kip Kinkel’s crime, according to this theory, there are malfunctioning and failure in many social institutions such as family, school, community and government paved the way for Kip to commit his crimes. Functionalists such as Durkheim put responsibility upon Kip’s family, because the family didn’t start with putting the shared values and disciplines in to the conscience of the child. This of course, should be followed by good education, community and government actions together, as they argue, in order to have a healthy society. The social institutions all

together could control the selfishness of human nature, such as Kip's, to avoid egoism and chaos. In Kip's example the family let him to possess knives and guns, he hide his weapons in the school's lockers and the government is not trying to control guns. The society tolerates and accepts violence as being apart of life. A house full of guns is a gate towards crime. Kips father bought him a 9 mm Glock semi-automatic pistol in a time which Kip was under treatment.

Functionalists such as Merton may argue that Kip was in a strain between what he desires and what he actually got. His father put a lot of stress upon him and he found these goals as unobtainable. When a child is allowed to possess a knife he definitely tries to get a pistol and a proper gun later. This leads to arise his selfish desires at the expense of others and leads to entering forbidden territory of crime. Kip Kinkel is an example of such a child according to Merton; a struggle between father and son leads to killing father by son.

According to another functionalist theorist who is Hirschi, Kip Kinkel was not attached to the family and school and society in a good way. He was involved in lone more than society. His isolated negative qualities make a suitable ground for involving in crime.

Some functionalists talk about the positive sides of crime, Kip's punishment may count as one of these, as may keep some other young people from taking a gun to school and giving the society a big warning about the egoism and anomie among the people.

From the psychoanalyst view, Kip's crime is much more personal case. Kip has psychological problems before and was under treatment, although the medicine he was taking (Prozac) criticized by many people as pushing the children to more violence. The psychoanalysts such as Freud may argue why this particular youth did the crime and there were a vast majority of others. They think that there are a small percentage of people who decided to be bad and committing crimes.

According to these theorists his id pushes Kip to commit the crime, because he was an abnormal person. They argue that Kip was hearing strange voices and he himself put the blame on these damned voices! Kip says many times that he is alone he don't know who he is. This means he was searching for his ego, he was under the control of his id. After his crime his conscience hurts him very much, this means that at that special time his superego appears. He says that he is horrible, his head is not working properly and he wants to end his life, these symptoms are good reasons for the psychoanalysts, such as Freud, to argue that the reason behind Kip's crime is psychological and personality not anything else.