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Chapter 3

The aims of imprisonment

Ian O’Donnell

Introduction

The stated aims of imprisonment became markedly less ambitious when the confidence that characterized the 19th-century reform movement was displaced by a realization that places of confinement – no matter how well designed or humanely intentioned – could never ‘grind rogues honest and idle men industrious’. Today the emphasis is on risk reduction and performance management; lofty aspirations have been trumped by narrow measures of target delivery. In an attempt to find principled common ground upon which to advance the debate, a new formulation is offered in this chapter, namely: the aim of imprisonment is to reconstitute the prisoner’s spatiotemporal world without causing avoidable collateral damage. It is argued that this minimalist statement provides a foundation upon which to build prison regimes that are oriented towards the future and acknowledge that all prisoners, no matter what they have done, possess the capacity to redirect their lives. Devoid of hope, imprisonment is pointless pain:

II. [T]he supreme aim of prison discipline is the reformation of criminals, not the infliction of vindictive suffering …

XIV. The prisoner’s self-respect should be cultivated to the utmost … There is no greater mistake in the whole compass of penal discipline, than its studied imposition of degradation as part of punishment. Such imposition destroys every better impulse and aspiration. It crushes the weak, irritates the strong, and indisposes all to submission and reform. It is trampling where we ought to raise …

XXII. The state has not discharged its whole duty to the criminal when it has punished him, nor even when it has reformed him. Having raised him up, it has the further duty to aid in holding him up.

(Principles promulgated by the congress of the National Prison Association held in Cincinnati, Ohio, in October 1870, cited in Wines 1871: 541–7)

Antecedents

Two hundred years ago the aims of imprisonment were clear, namely: (i) to contain debtors until what was owed was paid; (ii) to detain accused persons pending trial; (iii) to hold convicted persons pending the execution of the sentence of the court (e.g. corporal
or capital punishment, or transportation); (iv) to punish offenders for periods so brief that ascribing to them a purpose other than incapacitation seems somewhat grandiose – little can really be expected of prison terms that are completed in a matter of days or weeks; (v) to profit gaolers.

The focus of the debate about the aims of imprisonment was sharpened by the stuttering emergence, across Europe and the USA, of a penal philosophy that stressed the importance of reflective solitude as an engine for reform. This coincided with, and was given impetus by, the discovery of architectural solutions to the problem of unauthorized prisoner communication which meant that prisons could be designed to enforce silent separation, something that had not previously been possible. For a time in the early 19th century there was a close alignment between broadly agreed aims (i.e. reformation underpinned by deterrence), the technologies required to deliver them (e.g. timetables, surveillance, diet, cellular accommodation), the associated regimes (whether congregate and silent – the Auburn system, or separate – the Pennsylvania system), and administrative imperatives (e.g. uniformity, hierarchy, security, micro-regulation). This cohesion is evident in the adoption of the Pennsylvania system of prison discipline across much of Europe. Prison chaplains enthusiastically propounded the merits of this approach and their assertive writings, assured tone and assumed universality of appeal have few parallels today. The rival Auburn system, which thrived in the USA, was characterized by a lower level of confidence in the individual prisoner’s capacity to reform and the maintenance of silence required the frequent use of the whip (for a review and reappraisal of these competing paradigms, see O’Donnell 2014: Chapters 1, 2; see also Chapter 2 of this volume).

Adding urgency to the debate in the UK was the shift in temporal parameters that accompanied the ending of transportation. If men and women were to be incarcerated for years, some thought had to be given to why, as well as to how and where. The Penal Servitude Acts of 1853 and 1857 played an important, but often overlooked, role in this regard. Prior to their enactment the primary aim of the prison was to hold convicts for a fixed period of time in order to ready them for a new life in the colonies (minor offenders, debtors and those on remand continued to be sent to local gaols for brief periods). When the option of transportation was withdrawn, men and women faced the prospect of spending years behind bars on home soil, something that had not previously been contemplated. This stretching of time horizons forced a reappraisal of penal purposes at a juncture when the optimism that had breathed life into the separate system was waning. Consequently the emphasis shifted away from the prison cell as a crucible for personal transformation and it became, for a time, a place of unyielding discipline, of hard labour, hard fare and a hard bed. While the clarity of purpose may have dulled somewhat, the technologies, regimes and administrative imperatives remained largely unchanged. Rupturing the link between what was desired and how this was to be delivered had lasting ramifications. Subsequent waves of hope and despair occurred within a built environment that was slow to change, and against a background where discipline was pursued as an end in itself, untethered from a reformative ethic.

The confidence of the early reformers evaporated when it became apparent that new prison designs, and the muscular Christianity espoused by their advocates, were insufficient to the task of inspiring wholesale cognitive, spiritual and behavioural change. A truncated version of the 37 principles espoused by the National Prison Association in the USA in 1870 – three of which were quoted at the start of this chapter – was adopted by the International Penitentiary Congress in London two years later (Wines 1873: 177–8).
Despite initial enthusiasm, these eloquently phrased and ebulliently expressed aspirations soon came to be seen as disconnected from the realities of imprisonment, however noble the sentiments they embodied.

Thinking about aims requires consideration of how they have changed over time. The disappearance of benevolent intent meant that imprisonment felt different to those forced to endure its strictures. Despite the harshness of the silent and separate systems, and concern about the adverse mental health implications of regimes that required the termination of meaningful human relationships, their champions wished to force change upon the prisoner so that when he or she re-entered society it was on mutually beneficial terms. Bentham (1843: 226) described the panopticon prison as ‘a mill for grinding rogues honest and idle men industrious’, a description that might equally be applied to prisons of the late 19th century when the hope that penal treatment could bring the prisoner closer to God, and into harmony with his law-abiding fellows, proved to be misplaced. However grim Bentham’s philosophy might appear, it is a world away from grinding without purpose.

Contrast the use of solitary confinement in Eastern State Penitentiary in Philadelphia, or Pentonville prison in London, or any of their numerous imitators in the 1800s, with the 20th-century manifestation of penal solitude in the supermax (see Chapter 10). There are two important distinctions for present purposes. The first is the absence of any pretence that prolonged isolation is for the good of the prisoner. The second is that for a significant cohort of those so detained, there is no prospect of eventual release, no ‘fold’ to return to. Supermax custody defines prisoners by their criminal conduct, is pessimistic (at worst) or disinterested (at best) about the possibility of personal change, and its advocates have no compunction about administering a kind of treatment that would be adjudged harsh and degrading by anything but the most elastic of standards. Modern technology allows a studied indifference to be paid to prisoners; they command less personal attention than did their 19th-century predecessors and this reinforces their status not only as morally repugnant but also as socially redundant.

I do not wish to suggest that the past was an unproblematically better place, but simply to advert to the fact that there was a singularity of purpose (especially among the proponents of the Pennsylvania system), and an irrepressible confidence that the stated aims could be delivered that, to a great extent, has disappeared from the discourse. When the first wave of penal optimism receded it was replaced by a lurch to harsh – and hopeless – discipline. In Priestley’s (1999: 119) words, ‘the darkness closed in around the Victorian prisoner’. However, confidence returned eventually, a rehabilitative ethic came to dominate, and there was renewed emphasis on the individual prisoner’s capacity to change in a pro-social direction. The disappointing results of empirical studies and the hasty and erroneous conclusion that nothing worked when it came to prisoner rehabilitation caused a fresh reappraisal of the aims of imprisonment. The wheel of penal change completed another revolution. The emergence in recent decades of cognitive behavioural programmes, along with more sophisticated approaches to programme design and better measurement of effects, has renewed confidence in the potential for imprisonment to catalyse meaningful personal change and to improve community safety. As expectations and the associated aims have risen and fallen, the distance between the opposite ends of the spectrum of penal treatment has reduced considerably. When cognitive behaviourism is supplanted by a new approach, it is likely that the impact on prison regimes will be modest.
Official formulations

So what are the expressed aims of imprisonment today? Box 3.1 presents a selection of official declarations of purpose. This is by no means a representative sample, being biased towards (but not limited to) Anglophone jurisdictions. Nonetheless, the selected mission statements give a flavour of contemporary priorities and indicate the range of public messages that prison systems strive to convey. There are noteworthy omissions. Imprisonment in some parts of the world has been designed to serve the interests of the ruling class, unapologetically and unambiguously, through the suppression of political dissent or the control of prisoners’ minds. While forced re-education through labour was abolished in 2013, the aims of imprisonment in China are said to still include political indoctrination (laogai.org, accessed 20 May 2014). The prison systems of many African countries are severely overcrowded, poorly resourced, and controlled by their inmate populations (e.g. Jefferson and Martin 2014; see also Chapter 24). In these circumstances to aim for much more than perimeter security, the avoidance of malnutrition, the containment of infectious diseases and the preservation of bodily integrity, may be to aim unfeasibly high.

Accepting the inevitably limited generalizability of the analysis, it is suggested that examining a range of countries avoids the pitfall of adopting an unreflectively ethnocentric approach and proceeding on the basis that an examination of, for instance, the situation in England and Wales, is necessarily of cross-national significance (the Council of Europe and the United Nations have published detailed sets of prison rules that address the purposes of imprisonment but constraints of space preclude analysis of their contents and how they have been revised over time). With these caveats in mind, what can be learned from the official pronouncements of a cross-section of prison services in developed countries?

Box 3.1 A miscellany of aims

Ireland


Scotland

‘We will be recognised as a leader in offender management services for prisoners, that help reduce re-offending and offer value for money for the taxpayer. We will maintain secure custody and good order; and we will care for offenders with humanity and provide them with appropriate opportunities’ (www.sps.gov.uk/AboutUs/aims-of-the-sps.aspx).

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 help them lead law-abiding and useful lives in custody and after release’ (www.justice.gov.uk/about/hmps).
### Finland

‘The goals of the Criminal Sanctions Agency are to contribute to the security in society by maintaining a lawful and safe system of enforcement of sanctions and reduce recidivism and endeavour to break social exclusion that also reproduces crime’ (www.rikosseuraamus.fi/en/index/criminalsanctionsagency/goalsvaluesandprinciples.html).

### Sweden

‘Our vision is that spending time in the prison and probation system will bring about change, not simply provide secure custody. We want to encourage our clients to live a better life after serving their sentence’ (www.kriminalvarden.se/sv/Other-languages/).

### Canada

‘The Correctional Service of Canada, as part of the criminal justice system and respecting the rule of law, contributes to public safety by actively encouraging and assisting offenders to become law-abiding citizens, while exercising reasonable, safe, secure and humane control’ (www.csc-scc.gc.ca/hist/mission-eng.shtml).

### New Zealand

‘The Department of Corrections works to make New Zealand a better, safer place by protecting the public from those who can cause harm and reducing re-offending’ (www.corrections.govt.nz/about_us.html).

### USA (Federal Bureau of Prisons)

‘It is the mission of the Federal Bureau of Prisons to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens’ (www.bop.gov/about/agency/agency_pillars.jsp).

(All website addresses correct as of 20 May 2014)

Most official statements mention post-release behaviour or public protection. It is a high expectation to have of any institution that it would continue to be influential even when no longer part of an individual’s life, but an enduring impact is commonly demanded of the prison. Mission statements tend to be silent on the needs of particular prisoner groupings, such as persons on remand, women, juveniles, foreign nationals and those sentenced to die behind bars (whether having received the death penalty, a sentence of life without parole or a determinate sentence that exceeds their life expectancy). These groups may pose particular challenges and require bespoke aims.
Official formulas tend not to mention staff or victims, although both of these constituencies are name-checked in the mission statements of several US states, such as Oklahoma (‘Our mission is to protect the public, to protect the employee, to protect the offender’; www.ok.gov/doc/About_Us/Agency_Mission/index.html, accessed 20 May 2014) and Texas (‘The mission of the Texas Department of Criminal Justice is to provide public safety, promote positive change in offender behavior, reintegrate offenders into society, and assist victims of crime’; www.tdcj.state.tx.us/index.html, accessed 20 May 2014). Some mention value for money (e.g. Scotland, US Federal Bureau of Prisons). Others stress dignity (e.g. Ireland). Finland refers to tackling social exclusion in order to reduce the likelihood of future crime. Sweden connects prison and probation treatment. Canada draws attention to the rule of law. None mentions the saving of prisoners’ souls, which was a pressing concern for those who defined the aims of imprisonment in previous eras. While a religious dimension is largely absent from the official discourse, it continues to resonate among prisoners, who have long found comfort, and a higher purpose, in the tenets of Christianity and, more recently and in increasing numbers, in Islam (Pew Forum on Religion and Public Life 2012). In this way their individual and collective aims are facilitated by prison systems that will not always share them.

Mission statements are accompanied by targets, the achievement of which is considered to indicate progress towards realizing the mission. These targets and the associated tasks are specified with varying degrees of precision. If they are to be of value they must be amenable to reliable measurement, but if they are too narrowly defined they lose contact with the worlds they are supposed to shape and become empty signifiers.

Thinking in terms of aims inclines us towards the adoption of an instrumental approach which emphasizes what works (and at what cost) as opposed to what is right (and for whom). It frames problems so that they are susceptible to technical solutions and thereby closes off potentially fruitful lines of enquiry. It risks prioritizing means over ends. Such a focus has a seductive appeal in that it offers the possibility of demonstrable progress, however faltering it may prove to be. It privileges calculating and comparing. However, it deflects attention from the ethics of imprisonment and the place of prison in society. As Garland (1991: 117) expressed it:

> Penal measures and institutions have social determinants that have little to do with the need for law and order, social effects that go well beyond the business of crime control, and a symbolic significance that routinely engages a wide population, making it inappropriate to think of them in purely instrumental terms.

An instrumental view of the prison might examine its impact in terms of reducing crime and incapacitating offenders. This in turn lends itself to questions regarding efficiency and economy, the design of attainable targets, and performance monitoring; it is the dominant perspective in corrections today. It could be argued that there has been a further shift away from the objective of crime control – the results of recidivism studies have dented confidence that it is achievable – and towards the management of prison populations, almost regardless of any post-release effects. The emphasis has narrowed from having an impact on the world outside to ensuring the smooth running of the prisoner society. There is an associated shift from outcomes to outputs. For example, rather than aiming to reduce reoffending, the target becomes the completion rate for offending behaviour programmes.
While managerial approaches are fraught with difficulty in complex human environments such as prisons, especially when management imperatives become disconnected from a broader sense of purpose, it would be incorrect to suggest that precise measurements and ulterior motives are incompatible. The 18th- and 19th-century prison reformers were great counters and calibrators. They did not deviate from the timetable. They devised dietary scales that ensured prisoners’ appetites were never sated while starvation was kept at bay (just). They tallied the number of times the crank had been turned and the treadwheel spun and adjusted the resistance so that these pointless exercises brought prisoners to the brink of exhaustion but did not render them unfit for the next day’s exertions. However, all of this counting and checking and rule enforcement was aligned with clear aims, at least in the early years – namely, the prevention of contagion (whether of physical diseases or criminal beliefs), the assertion of a principle of less eligibility, and the promotion of deterrence and reformation as two sides of the same providential coin. This overarching purpose and the accompanying belief that time apart would prompt self-examination ensured a firmness of resolve even when fears surfaced regarding the deleterious consequences of the new arrangements. When full-throttled confidence was supplanted by uncertainty, then scepticism, and finally pessimism, the counting continued but to no apparent end.

**Attempting a new definition**

Are there any grounds for consensus when it comes to formulating the aims of imprisonment? One aim around which it is likely that wide agreement could be secured is that prisons should have a null effect. In other words, strenuous efforts should be made to ensure that their occupants are no worse off at the end of their sentences than at the beginning. After all, they have been sent there as punishment not for punishment. If we define ‘worse off’ in terms of harm endured as well as risk posed, the corollary is that prisoners must be safe, that their bodily integrity must not be compromised. There will always be some observers who are careless as to the consequences of incarceration for the prisoner society, who would not be concerned if prisoners wreaked havoc on each other, but even those espousing such a view would desire that staff were not caught in the cross-fire and that communities were not endangered when prisoners were released. Imprisonment is associated with a range of unavoidable harms such as the rupturing of community and family ties and the diminution of career prospects. The goal for the prison system must be to anticipate these harms and soften their impact while not adding to them.

Another aim around which it would be possible to generate consensus is that imprisonment should involve the deprivation of liberty. This is vitiated when prisoners escape. Even at open prisons, where perimeter security is largely non-existent, the retention of prisoners is a sine qua non. While prisoners can often influence the duration and conditions of their confinement through their behaviour, they cannot administer their sentences according to personal priorities and proclivities.

Imprisonment necessitates the loss of time. Courts award punishments measured in units of time and the point of any prison system is to ensure that they are served. The removal of sovereignty over time is an aim of imprisonment the effects of which cannot be dodged. The prisoner must march to a new disciplinary cadence and while liberty can at least be restored, lost time cannot be. This is something of which prisoners are acutely
aware and against which they marshal whatever resources are at their disposal (O’Donnell 2014: Chapter 10). This allows us to posit the following definition. Stripped to its undeniable essentials, the aim of imprisonment is to reconstitute the prisoner’s spatio-temporal world without causing avoidable collateral damage. A statement of intent along these lines would seem appropriate to prison systems everywhere and it is difficult to imagine that it would meet with principled resistance. Although minimalist, it acts as a foundation upon which to layer additional, and always subsidiary, aims. It has the twin virtues of clarity and parsimony.

The Irish political prisoner Michael Davitt (1885: 180) described hope as the ‘all-sustaining prison virtue’. Devoid of hope, imprisonment is pointless pain. This is degrading for all concerned. If the carceral experience can be imbued with the possibility of something better this will redound to our collective advantage. By definition, hope is slippery, elusive and difficult to operationalize. It cannot be weighed or measured. Nonetheless, there is a need to orientate prison treatment towards the future so that prisoners’ capacity to change their lives for the better is acknowledged. There is something to be said for striving towards a worthwhile goal even if it remains somewhat inchoate. There is something to be said, also, for accepting that prisoners are not entirely defined by their pasts. Like all of us, their life stories can be re-narrated and later chapters can be very different in style and substance from earlier ones. Hope is the state of remaining open to this possibility.

There are clear parallels here with the debate about ‘humane containment’ versus ‘positive custody’ that took place in England and Wales in the late 1970s and early 1980s. There was a concern that to allow the former concept to act as an organizing principle for prison regimes was to require staff to work in a moral vacuum and to expect too little of prisoners (see Bottoms 1990). Such an approach, it was believed, would be damaging because it would strip the prison experience of a wider sense of purpose. Undergirding my cautiously expressed aim is the firm belief that improved behaviour is a welcome bonus and should always be hoped for and worked towards.

Accepting the desire for a null effect as a starting place, what does this mean? The first implication is that prisoners must be at least as safe as an equivalent group in the community. The evidence suggests that when it comes to lethal violence they are (Mumola 2005; Sattar 2001); when it comes to sexual victimization they may not be, especially in the USA (O’Donnell 2004); and when it comes to routine victimization not enough is known. It cannot be gainsaid that assault, theft and robbery are common in prisons (Edgar et al. 2012), but whether they are significantly more hazardous environments than the areas of urban deprivation from which many prisoners are drawn, and the domestic environments in which they dwell, we cannot be certain. Without doubt, prisoners should be safe from the predations of staff. Regrettably, they are not (Kaiser and Stannow 2013). This is an important difference from community life, where it does not appear that offenders face the threat of being sexually violated by authority figures to whom they report.

The second dimension of the null effect relates to post-release behaviour. Does imprisonment place society at elevated risk? There are three possible answers to this question. First, that risk is unchanged but put in abeyance. Such an outcome may disappoint but it is consistent with the achievement of a null effect. Second, that risk is reduced and the community to which the prisoner returns is safer as a result. This may be a consequence of deterrence, rehabilitation, ageing, the removal of suitable targets, or
some other process, and it is an improvement on a null effect. Third, that risk is elevated and the prison has failed to meet its most basic aim.

As Box 3.1 shows, prison systems everywhere strive to exceed the modest baseline of neutral spatio-temporal reorientation. Key personnel desire that prisons are secure, safe and humane places for both inmates and staff. They are alive to the potential for prisons to entrench disadvantage. They seek an extramural impact in terms of community protection and, while reluctant to take responsibility for changing the lives of those in their charge, wish to equip prisoners with the tools necessary for self-improvement should they be motivated to learn how to use them. How aims are implemented is influenced by the values and beliefs held by those who are required to give effect to them (e.g. Rutherford 1994) and, significantly, by the relationships between staff and prisoners (Liebling, with Arnold 2004).

A constriction of ambition

It could be argued that there has been shrinkage over time in the breadth of ambition associated with the expressed aims of imprisonment. There has been a shift from the articulation of nebulous aspirations to the specification of tasks that can be measured and targets that are associated with the successful completion of these tasks. Partly this constriction of ambition was brought about by the disappointing results of penal practice; prisoners all too rarely repaid the brimming confidence of the reformers with good behaviour after release. Partly it reflects the encroachment of new ideas about performance management and a sense that the prison should not be immune from the hastening effects of the ‘three Es’ of economy, efficiency and effectiveness. Partly it is a logical extension of the squeezing out of the person that accompanies advanced bureaucratisation when the rule book comes to dictate the terms of engagement (O’Donnell 2011).

It is entirely reasonable, of course, to adopt aims that can be operationalized, but it is important not to lose sight of the fact that what is measured is never more than a proxy for what is important. Performance measures and targets should flow from aims, and regularly be reconciled with them. If the measurement fails, this does not imply that the aim should be jettisoned. Aims that are narrowly focused, uniformly applicable, unfreighted by ideology or complex sentiment, and amenable to quantification appeal to the managerial mind (it is a bonus if they are disconnected from the world outside the prison walls). They have the undoubted advantage of precision, however poorly they grip the complexities of prison life. However, like the metrics that accompany them, they are guilty of offering false hope regarding the potential of ever more precise measurement to capture – or to catalyse – meaningful change. The instrumental approach can efface its alternatives, with aims collapsing into metrics and measurement becoming an end in itself. In this way a sense of purpose can become detached from the day-to-day organization of prison life. The many things that prisons aim to do, and the resources that are devoted to ensure that they are done – quantifiably – eclipse the overarching sense of purpose that might otherwise attend the enterprise. Seeing the completion rate of an offending behaviour course as indicative of anything else is fraught with difficulty.

Modern mission statements, like those included in Box 3.1, are characterized by the qualified nature of their claims. They aid to encourage and to provide opportunities rather than to reform and to cultivate self-respect. Such caution is understandable given
the limited positive effects of imprisonment and the reluctance to make claims that will not be supported, but it is more difficult to generate enthusiasm around a mission statement that is descriptive and unambitious than one which suggests the possibility of personal transformation or institutional triumph against the odds. The flipside of extravagant aims is the pessimism that follows when they are not realized (or when the realization dawns that they never will be). The aims embedded within, and emanating from, modern mission statements are predominantly intramural ones: to provide safety, security and order; to ensure compliance with disciplinary codes; to monitor participation in appropriate programmes; and to remain within budget.

Aims have been progressively narrowed, management techniques have become increasingly sophisticated, and the attempt to connect these manifold measures to something that unites and elaborates them is missing. It could be said that today’s ‘aims’ reflect imperatives that relate to the smooth running of the institution rather than the transformation of the prisoner (and, as a corollary, the improvement of society), but what happens when aims conflict and there is no larger sense of purpose that might help to resolve such conflicts? The difficulty with a piecemeal approach is that it reflects a particular view of the prisoner, who is seen in a disaggregated way, rather than as a whole person, whose needs and drives, strengths and weaknesses, history, character and potential, require attention. My minimalist definition of aims does not overcome these difficulties but it remains open to the manifold possibilities associated with human development and maturation.

The prison in society

The aims of prisons cannot be divorced from the characteristics of the societies in which they take root. Local legislative and policy contexts, together with societal values and community sentiment, play a critical role.

Mathiesen (1974: 76–78) argued that imprisonment remained dominant in advanced capitalist countries such as those in Box 3.1 because it served several social functions. The first of these was expurgatory: the prison acted as a repository for unproductive members of society who threatened social order. The second was a power-draining function: the capacity to resist is reduced through incarceration and oppositional voices become muffled behind prison walls. The third was a diverting function: the use of imprisonment, largely targeted at petty offenders, distracts attention from the really damaging crimes of the powerful. The fourth was a symbolic function: by turning prisoners into scapegoats, other citizens are reassured of their moral rectitude. Some years later he added a fifth, which he described as an action function: by building prisons and legislating for longer sentences the state conveys an impression that something is being done, that decisive action is being taken (Mathiesen 1990: 138).

It would be going too far to equate Mathiesen’s social functions with the aims of imprisonment. The value of his critique is that it alerts us to some of the ancillary impacts of imprisonment and the need to place the prison in its national environment to understand what it does and what it might be expected to do. More recently, there have been several attempts to relate cross-national imprisonment rates to varieties of welfare state regime. The earliest of these was probably Kilcommins et al. (2004: 278), who found that ‘countries with well-developed, universalistic, generous welfare regimes tend to have lower prison populations than those with low levels of welfare provision’. Box 3.1
comprises a mixture of social democratic (Finland and Sweden) and liberal (USA, Canada, New Zealand, Scotland, Ireland, England and Wales) countries, and it is not surprising that the aims of imprisonment differ according to welfare arrangements. As might be expected, the social democratic mission statements are outward looking and inclusive (e.g. Finland), while the liberal countries prioritize values of cost effectiveness (e.g. USA) and public protection (e.g. New Zealand). The fact that a cursory glance at prison service mission statements raises issues around national political and social priorities demonstrates the importance of viewing prisons in context.

Even if the social functions of imprisonment are seldom spelled out by the architects, administrators and subjects of the system, they remain important. Examining the role of prison in society allows for the possibility that the institution may ‘succeed’ in some respects just as it ‘fails’ in others. Indeed, a failure for one observer may be a success for another as the same outcome can lend itself to a variety of interpretations. The prison might ‘fail’ when it comes to reducing recidivism but ‘succeed’ in expressing popular revulsion at certain forms of misconduct. Some effects may be welcomed even if they are not aimed for.

The delivery of aims requires the allocation of resources. When Ireland’s economy was booming, a commitment was made to expand the prison system with little thought given to the necessity or the wider ramifications; this is an instance of Mathiesen’s ‘action function’ at work. A deep recession caused a change of direction (O’Donnell 2011). Prosacically, then, economic imperatives can have implications for the aims of imprisonment and the role of the prison vis-à-vis other sanctions and measures. This phenomenon is not confined to Ireland. Webster and Doob (2014) have argued that reductions in the prison population in Alberta in the mid-1990s were driven by budget cuts, but given added traction by core Canadian values rooted in the belief that imprisonment plays a minor role in crime control and should be used sparingly.

Garland (1991: 115) suggested that the sociology of punishment offered an analytical framework that was superior to ‘the punishment-as-crime-control’ or ‘punishment-as-moral-problem’ approaches of penological studies. This shift of focus downplays concerns about the rationales and effects of punishment and promotes thinking about the social functions that punishment discharges and the relationships between prisons and other institutions. This is a necessary element of any analysis of the prison, which can then be considered from a variety of perspectives, each of which speaks to its possible functions. For example, a Durkheimian might look at imprisonment as enhancing social solidarity and reinforcing social boundaries; a Marxist might prioritize issues of class domination and the need to siphon off surplus labour or to exploit captive populations; a Foucauldian might locate the prison within a broader carceral archipelago, as an instance of a more general disciplinary strategy with surveillance as a route to docility; an Eliasian might emphasize the prison’s role in pushing punishment behind the scenes as characterizing a civilizing process. As Garland (1991) noted, and as many chapters in this volume attest, the penal system is not only instrumental in purpose, but also has a cultural style and an historical tradition, which shape the ways in which objectives are pursued.

The value of situating the prison, historically, as but one of a range of sites of social control has largely disappeared from contemporary debate. However, when reinserted, the implications for understanding are profound. As O’Sullivan and O’Donnell (2012: 1–41) have shown, the prison’s move to centre stage has occurred against a background where aggregate levels of what these authors term ‘coercive confinement’ have dropped steeply.
The beneficiaries of this waning culture of control have been numerous women and children whose lives are no longer interrupted by involuntary detention in custodial settings such as psychiatric hospitals, reformatory and industrial schools, mother and baby homes, and Magdalen asylums, places that were experienced as punitive, whatever their expressed rationales. Understanding the aims of imprisonment, therefore, requires consideration of the rise and fall of other modes of incarceration and how these trajectories relate to shifts in family structures, economic opportunities, political priorities and moral imperatives (O’Sullivan and O’Donnell 2012: 250–294). Thinking in terms of coercive confinement allows us to see the prison with fresh eyes. It leads us away from approaches that are rooted in singular interpretations and makes it impossible to consider the prison outside the historical and cultural context that it has shaped and been shaped by. It allows us to draw on the richness of a variety of theoretical traditions and to explore points of convergence and divergence.

What I am attempting to do in this chapter is to keep in sight the social dimensions of punishment as manifest in the prison and to shake off the constraints of an approach that is equated with an examination of instrumental utility. To consider the aims of imprisonment requires loosening the prison–crime nexus and exploring where the prison fits more generally, and why. Absent such contextualization, any attempt at explanation falls short. As this chapter is limited to the aims of ‘imprisonment’ in particular rather than addressing the aims of ‘coercive confinement’ more generally, I am relieved of this explanatory burden, but it must be acknowledged that without this wider view, the full picture cannot be painted.

**Fragmentation**

When it comes to formulating the aims of imprisonment it is necessary to consider who has standing in the debate. Who can speak and who is heard? When multiple voices are raised are they cacophonous or in harmony?

It seems reasonable to suggest that the debate about the prison’s role attracts a greater variety of contributors than heretofore. No longer is it restricted to a stratum of legislators and policymakers who had much in common including gender, race, age, social class background and level of educational attainment, and for whom arriving at a consensus was often relatively unproblematic, especially in a context where a high level of public trust could be assumed and crime was not a pressing concern. The situation today is far more fragmented, with numerous actors clamouring to express a view. It is possible that this multiplicity of viewpoints has contributed to a narrowing of ambition and a retrenchment of official aims in order to find a position that excites, at worst, manageable opposition.

The views of legislators may collide with those of judges and prison administrators. Policies and laws may conflict. Communities may wish to have a say, either through the politicians they elect or more directly, on particular issues. Victim organizations have grown in significance, sometimes representing a particular class of victims, sometimes standing for victims (or survivors) in general. Specific victims can act as lightning rods for concerted action. They are often young, vulnerable and horribly violated and may lend their names to legislative initiatives. Prisoners may wish to contribute to the debate and they are sometimes given a voice through organizations like KRUM (in Sweden), KROM (in Norway), KRIM (in Denmark), Preservation of the Rights of Prisoners (in
the UK), and the Prisoners’ Rights Organisation (in Ireland). Such bodies seldom endure. Even among prisoner organizations there can be dissent and division with little tolerance for certain categories of offender, such as those who commit sex crimes against children (while never mainstream, paedophile support groups had a higher profile in the past; O’Donnell and Milner 2007: 9–15).

Sometimes ex-prisoners can play an important role in creating fresh thinking about the role of imprisonment. Winston Churchill was held captive briefly in a Boer prison and Nelson Mandela spent more than a quarter of a century in custody. While their African experiences were dramatically different, each offered an informed and compassionate voice to the debate about penal reform. Academic commentators, often drawn from the swelling ranks of professional criminologists, sometimes contribute their perspectives in various public forums.

Penal reform bodies also have something to contribute to the debate about aims. The preamble to the 1787 constitution of the Philadelphia Society for Alleviating the Miseries of Public Prisons, which remains in existence as the Pennsylvania Prison Society, set out a number of underlying principles (Anonymous 1987: 1–2), which when read from a distance of almost 230 years, are seen to have lost little of their cogency, even if they have faded from view in many policy contexts. They stress the common humanity of those who find themselves on either side of the law. They express a deep scepticism about the effects of harsh punishment and offer an optimistic view of the human capacity to change direction. They are strongly echoed in the 1870 principles that open this chapter, and are heard more faintly today. These principles are:

- Prisons are ‘public’ institutions and the public should be concerned about their objectives and their effectiveness.
- Criminals are human beings and not made less so by the commission of crimes.
- It is legitimate to punish those who commit crimes.
- Harsh and degrading treatment tends to increase crime.
- Ways of turning law breakers into law-abiding citizens can be found.
- Society benefits from a system that ‘reforms’ criminals.

In addition to prisoners, policymakers, victims and reformers of various hues, there is another group that seeks to play a role in determining the aims of imprisonment. This comprises the shareholders in companies that build and manage prisons. In some jurisdictions they are becoming influential.

Where prison privatization exists (largely, it must be said, in the common law world), this brings in its wake an additional – and novel – aim of imprisonment, namely, the creation of shareholder value out of human suffering. Under such funding arrangements, profitability is an essential goal of imprisonment. The wheel has completed another revolution here as the entrepreneurial (and exploitative) gaoler was a much-maligned feature of the pre-reform prison. Today prison managers do not benefit to the immediate financial detriment of prisoners, but the companies that employ them, and their shareholders, have a vested interest in keeping the stock price high. The imperatives of the market also play a role when it comes to selecting appropriate locations for building new prisons, as the construction and operation of these facilities are believed to provide a vital economic stimulus to economically depressed rural communities (a belief that would appear to be exaggerated, according to King et al. 2003).
Oscar Wilde (1891: 301, emphasis in original) lamented in his essay, ‘The Soul of Man under Socialism’, published several years before his imprisonment, that the sickening lesson of history is not ‘the crimes that the wicked have committed, but … the punishments that the good have inflicted; and a community is infinitely more brutalised by the habitual employment of punishment, than it is by the occasional occurrence of crime’. While there is no end to human ingenuity when it comes to inflicting pain, what is novel about today’s arrangements is that investors can benefit from its infliction. In the past gaolers made a comfortable living through the extraction of fees from those in their ‘care’, but they lived in close proximity to the degradation that generated their livelihoods. Recent developments have led to the disturbing scenario whereby shareholders may never set foot in prisons but can grow rich from their existence. The financial imperative has returned with a twist: those who receive the dividends are distanced from the pain that turns their profit.

A final area characterized by novel challenges relates to prisoners serving sentences of life without parole (LWOP) or determinate sentences that exceed their life expectancy. For these prisoners the issues are starkly drawn. When release is no longer a possibility, thinking of the aims of imprisonment in terms of potential societal benefits is highly problematic. What can be expected of a prison system where, for some, the prospects of eventual community return have been obliterated? Looking at LWOP prisoners specifically, there were more of them in Angola prison in Louisiana in the early 21st century – 3,660 according to Ridgeway (2011: 48) – than there were across the entirety of the USA at the end of the 19th century (2,766 in 1890 out of 70,295 prisoners who had been sentenced and for whom further particulars were available; Department of the Interior, Census Office 1896: 199). This prison now has a hospice as well as a more traditional death row. In the former, death is certain and comes soon after arrival there. In the latter, execution is far from inevitable and the wait for it, in maximum-security conditions, is long and fraught. The aim in both places is bleak: to prevent premature death.

Conclusion
There are obvious challenges associated with attempting to define the aims of imprisonment in a way that will take account of the prison’s relationship to other carceral institutions, its historical trajectory, the need to accommodate a variety of stakeholder perspectives, and pragmatic considerations around the specification of targets and tasks that are derived from the aims but can still be meaningfully related to them. One way forward is to adopt a minimalist statement of aims such as that set out in this chapter – to reconstitute the prisoner’s spatio-temperal world without causing avoidable collateral damage – and to insist that its articulation occurs in a context that is optimistic about the individual’s capacity to seize control of, and redirect, his or her life. The degree to which such insistence will be effective will vary by time and place, but it chimes with the mission statements of modern prison services such as those summarized in Box 3.1. What an attitude of hope means for the practical operation of prison regimes is similarly variable but the point is that keeping it firmly in view means that the debate about aims will be regularly resuscitated. It would be regrettable if the search for aims that can be easily and reliably translated into practice was at the expense of necessarily imprecise sentiments about dignity, the cultivation of self-respect and the releasing of human potential.
Bibliography