

The Prison: “Humane Alternative” or A Tool of Social Control?

A Historcial Review

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In researching and examining the reasons for the existence of prisons, one may find an array of answers. There are many of those who would state that the creation of prisons is the common sense argument that it was a response to criminal activity and whose purpose was to rehabilitate those deemed “criminals” by society. Yet, the creation of prisons was actually a product of the Enlightenment Period, as can be seen in Cesare Beccaria’s book *On Crimes and Punishment*, where he applies Enlightenment concepts to punishment and imprisonment. However, prisons can also be viewed in a much different light, as Michel Foucault does in his book *Discipline and Punish: The Birth of the Prison*, where he extols the idea that prisons were created as a tool of social control. The arguments of both Beccaria and Foucault should be examined and applied into how they fit into the creation of prisons in early 19th century America.

The logical reasons for imprisonment were first conceived by Cesare Beccaria, an Italian philosopher of the Enlightenment age. In his book *On Crime and Punishment* he stated that people, wanting to live in relative peace and security, willingly gave up some of their liberty to establish laws which were enforced by an administrator or judge. However, having a judge is not enough due to the fact that it is “necessary to defend [liberty] from the usurpation of each individual, who will always endeavour to take away from the mass, not only his own portion, but to encroach on that of others.” [1] Thus, in order to ensure that people do not attempt to limit the freedom of others, punishments must be established for those who break the law. Imprisonment came into play as Beccaria thought that prison was the most rational of punishments as it was based in solid evidence due to the law determining “the crime, the presumption, and the evidence sufficient to subject the accused to imprisonment and examination.” [2] This manner of thinking not only established a logical basis for prisons, but it also represented a humane alternative to other punishments such as death and flogging. This would have a major impact on Quakers in 19th century Pennsylvania.

In colonial America, there existed buildings which were there mainly to lock up vagrants and those whose crimes didn’t warrant capital punishment. While these were called prisons, they were little more than holding cells and were not used to reform prisoners. That changed, however, with the state of Pennsylvania. After the Revolutionary War, in 1786, the penal system was revised and allowed for the death penalty in all but two major crimes. (This was in the spirit of Beccaria as he argued that swift punishments aided in the deterrence of crime.) In this revision, a provision was included which allowed for public hard labor by prisoners. While this may have seemed like a good idea, it backfired as it only

led to more crimes being committed and an overall increase in the number of prisoners. This caused widespread fear and panic, resulting in Quakers coming together to form prison reform groups such as The Philadelphia Society for Alleviating the Misery of Public Prisons. In addition to this, many Quakers also wanted a more humane system of punishment. Groups such as these pressured the Pennsylvanian government to create a state-run prison because due to “the severity of the laws, with the disgraceful mode of carrying them into effect” [3] such a prison was warranted. These demands resulted in the creation of the Walnut Street prison, which made Pennsylvania the first state to use prison to rehabilitate criminals.

Yet, one must ask the question: What is rehabilitation? Does it simply mean that the criminal no longer breaks laws or can it mean that in prison, he is socialized to become more compliant with the status quo? While the latter idea may seem far-fetched, it is exactly what Michel Foucault argues in his book *Discipline and Punish: The Birth of the Prison*.

As was previously stated, the want for a more humane system of punishment is why many Pennsylvanians argued for a prison system. The creation of the prison system was the most humane of punishments, not only due to its lack of barbarity when compared to other means of punishment, but also was the fairest means of punishment as prisons “[make] it possible to quantify the penalty exactly according to the variable of time” thus creating “wages-form of imprisonment that constitutes, in industrial societies, its economic ‘self-evidence’- and enables it to appear as a repartition.” [4]

The creation of the Walnut Street prison was also due to fear and panic on the part of Quakers. This fear, spurred by the increase in crime due to prisoners being out in public, would logically lead to the creation of prisons as “How could the prison not be immediately accepted when, by locking up, retraining and rendering docile, it merely reproduces, with a little more emphasis, all the mechanisms that are to be found in the social body?” [5] Essentially, what prisons do, are to take those who are deemed “criminals” by society (who are in reality social deviants) and funnel them into a system that reinforces societal norms on larger scale, with the hopes that the “criminals” will come out of prison being more compliant to status quo.

Examples of using punishment to force the behavior of criminals can be seen in 18th century Pennsylvania, in the form of the use of solitary confinement to force individuals to conform themselves to what was deemed “acceptable behavior.” Caleb Lownes, an active manager of the Walnut Street prison’s work program, tells such a story of one man who was put in solitary confinement for refusing to work and after several weeks of having little to no social interaction and unbearable living conditions, caved into the pressure and decided to work in the prison. It was noted that “The utmost propriety of conduct has been observed by this man ever since.” [6] Lownes noted earlier that “a change of conduct was early visible” when prisoners were informed “that their treatment would depend upon their conduct.” [7]

Thus, the establishment of prisons in the early United States was not only a more humane method of punishment, but was also used a tool of social control. This manner of thinking persisted for quite some time and manifested itself in such things as prison reform, in order to make the prisoners more compliant with greater societal norms. It is a manner of thinking that continues to affect prisons and prisoners to this very day.

Notes

- 1: Cesare Beccaria, On Crimes and Punishment (United States of America: Seven Treasures Publications, 2009) pg 10
- 2: Ibid, pg 82
- 3: Caleb Lownes "An Account of the Alteration and Present State of the Penal Laws of Pennsylvania," in William Roscoe Observations on Penal Jurisprudence and The Reformation of Criminals (London, England: Black Horse Court, Year Unknown) pg 6 [Please note that this book was retrieved from Google Books]
- 4: Michel Foucault, Discipline and Punish: The Birth of the Prison, trans. by Alan Sheridan (New York, New York: Vintage Books, 1977) pg 232
- 5: Ibid, pg 233
- 6: Lownes, pg 16
- 7: Lownes, pg 11

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