



**PIONEERS YOUTH**



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Introduction to Rehabilitation and Incarceration, including the historical background of their implementation

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Survey Statistics on 08 questions responded by 56 individuals with pictorial representation of data

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Arguments brought out by groups representing each mode of punishment of criminals.



## REHABILITATION v INCARCERATION

Department of Creative  
Engagement

Deliberations Task Force

*Working Paper 1.2*

## **Abstract**

A Surveyed and Researched Analysis of the right mode of punishment of criminals -  
Rehabilitation or Incarceration.

The concept of punishment has long gone through many reforms over history - from elaborative displays of tortures for public spectacle to a more quiet and concise manner of punishing the offenders. Ongoing debates have vocalised the ideal form of punishment that would provide just results to the victims and maintain the ideal social order.

Michel Foucault said that punishment is devised into three categories:

- to survey,
- to normalise the ideal 'good' behaviour of society
- to examine the prisoners.

Through this, the prisoners would socialise and scrutinize each other to realise their mistakes.

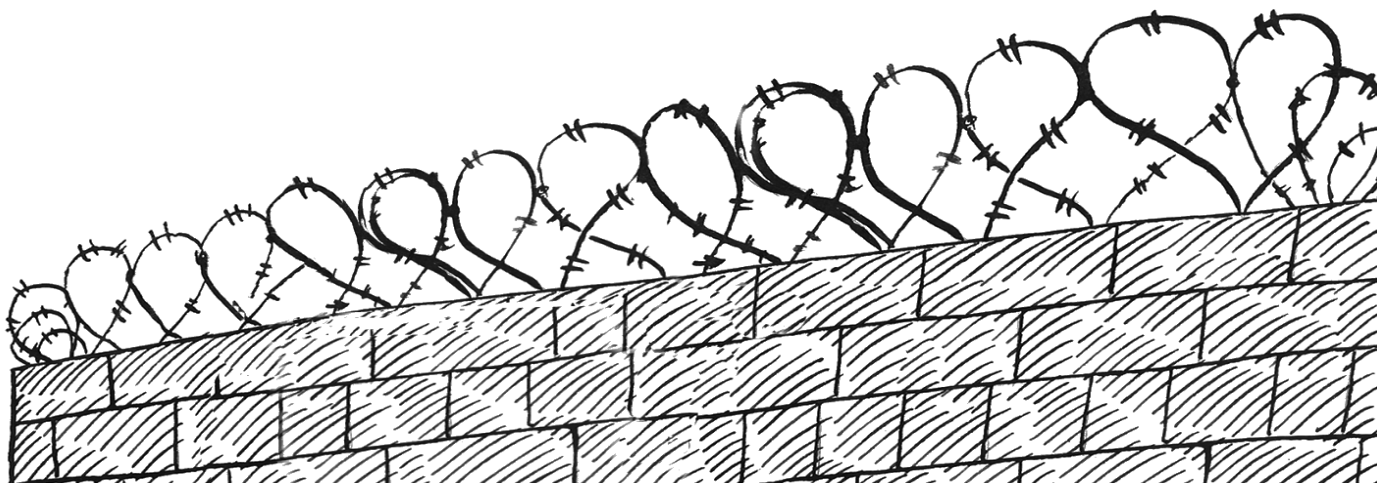
Jeremy Bentham devised the Panopticon, the ideal prison and believed that Law was the ideal way to punish those who defied the happiness of all people.

The paper includes a surveyed analysis which indicates that the majority of people have sided with Rehabilitation as the socially just form of punishing offenders. Educating about the crime committed is an effective way of preventing criminal activities and repetition of the like. Further, the research also highlights on a social malady - discrimination against the poor. Legal Research indicates that Rehabilitation is a very expensive form of crime handling- justice delivering system for developing countries like Sri Lanka and the South Asian region.

With ongoing debates, the paper encapsulates the opinions of the youth on the ideal mode of punishment and illustrates the strong opinions.

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## **1.0 Introduction**

### **1.1 What is Rehabilitation?**

Rehabilitation is the process of re-educating and retraining those who commit crime. [1]

### **1.2 What is Incarceration?**

Incarceration is the act of confinement in a jail or prison: the act of imprisoning someone or the state of being imprisoned. [2]

Rehabilitation versus incarceration for juvenile offenders is an ongoing debate all around the world. We can justify both acts in their own ways. Since these two acts do not link with each other, many heated arguments about this topic are still going on all around the world.

A survey was done by the deliberation task force of Pioneers Youth Organization in order to take the opinions and attitudes of the general public regarding this topic. A debate was also conducted to discuss about this topic where so many important facts related to this topic were discussed. The purpose of the survey was mainly to find out the public opinions about this topic.

## **1.3 Background**

### **Rehabilitation**

According to statistics the history of rehabilitation runs back into the 18th century. The society focused on addressing the prisoners with a "softer language" rather than implementing punishments. The ancient rehabilitation methods were applied through the use of architecture, medical observations and religion. In the 20th century the staff members were asked to go through every prisoner in order to identify the cause of their criminal behaviour and also to prescribe a treatment that will change their mindset. The form of treatments went through a slight change in comparison to the 18th century treatment methods. The individuals are now provided with group counselling, therapy, education etc. However, the main goal of rehabilitation is to re-integrate offenders back into the society as better people. As good as it seems there are certain problems when considering this matter, rehabilitation includes an expensive array of programs including mental health, emotional wellbeing, educational administration and a lot more that help a criminal to get to their normal state of mind, shedding the role of a criminal.

### **Incarceration**

The custom of jailing criminals for their crimes is called incarceration. Incarcerated people are being cut off from their personal freedom. All the civilizations use prison as the mean to restrict the freedom of those people. The society usually takes the side of incarceration because they believe it provides them with the protection from violent criminals.

But with strict sentence guidelines and poor attention towards the mental health of the prisoners, the main goal of incarceration, deterrence faces a certain downfall.

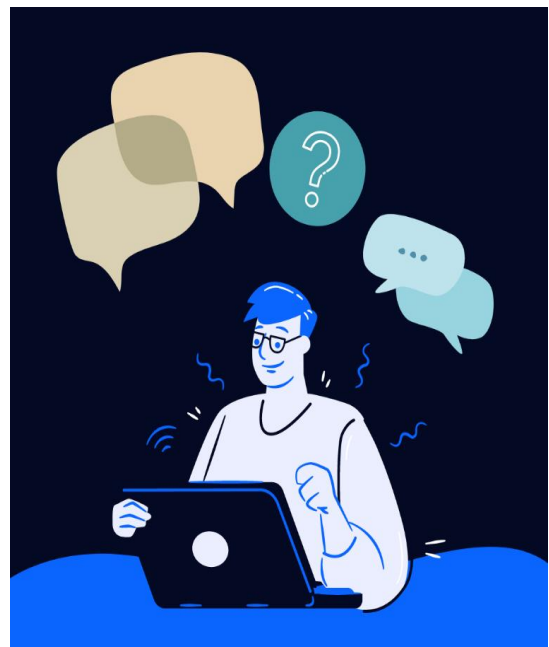
It is visible that both rehabilitation and incarceration stand with their own pros and cons. Rehabilitation may look like the most suitable solution for the offenders but does it bring justice to the victims? Incarceration might be the right solution for the society but does it bring criminals to the right path? The consequences of both actions will be discussed in the present working paper.



## 2.0 Methodology

The survey was done based on the debate conducted which was Rehabilitation vs. Incarceration. There were 8 questions and 56 people that participated in the survey. In the final draft, a section called survey statistics is available which shows graphs associated with the questions and answers given in the survey. when doing the survey statistics, we initially considered 5 most valid questions from the table and then plotted graphs for each with relevant percentages.

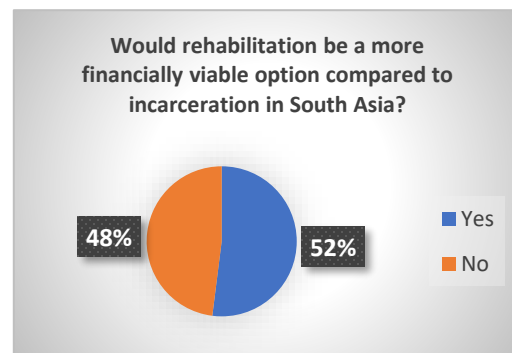
In Incarceration its stated that the increase in the cost of criminal activity will lead to a subset of potential criminals. It also states that a large sum of money is spent on inmates per year (\$182 billion) and further supports incarceration. The team siding with rehabilitation explains how rehabilitation is used to educate criminals, how they are categorized and released into the world as dignified humans, further pointing out that rehabilitation is the better option than incarceration.



## 3.0 Survey Statistics

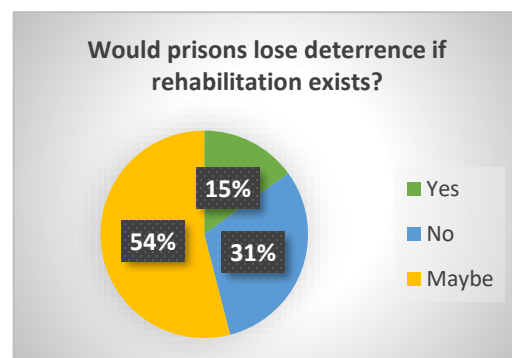
### 1. *Would rehabilitation be a more financially viable option compared to incarceration in South Asia?*

The Pie Chart visually represents the voted choices from 56 responses. With 29 positive responses and 27 negative responses, the majority has considered Rehabilitation as financially more viable than Incarceration.



### 2. *Would prisons lose deterrence if rehabilitation exists?*

According to the survey results, the Pie chart represents the percentile of each three categories of responses. From a total 54 responses, 29 responses opted for maybe as their choice for prisons losing their authority if Rehabilitation was the existing form of criminal punishment. 17 responses going against the question and 8 responses voting for the loss of prison authority if Rehabilitation was opted.



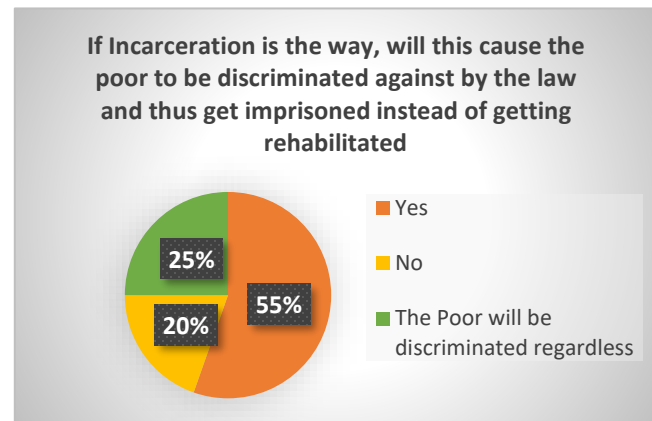
### 3. *Would rehabilitation be more effective than incarceration in South-East Asia compared to in Western nations?*

The Pie Chart shown represents the visual representation of the survey conducted. From a total of 56 responses, 35 responses opted for Rehabilitation as a more effective and justified manner of punishment by the State, than Incarceration which was chosen by 21 odd persons.



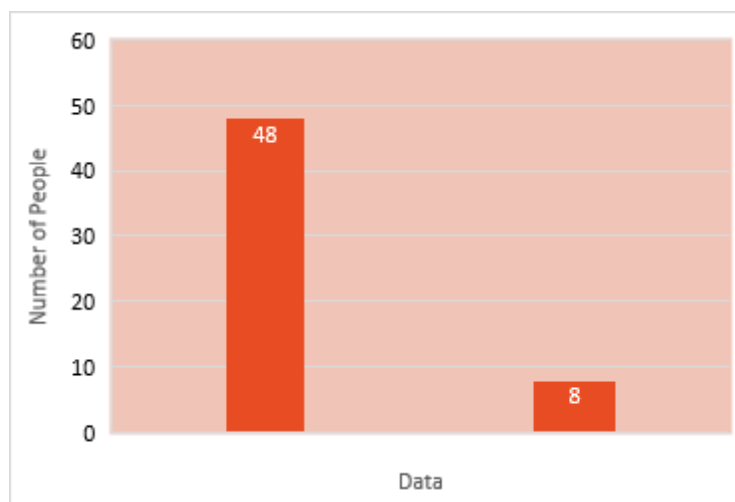
## 4. *If Incarceration is the way, will this cause the poor to be discriminated against by the law and thus get imprisoned instead of getting rehabilitated?*

The Pie Chart visualises the responses from the conducted survey. Out of total 56 responses, 31 responses a clear majority agree with a social malady where the economically weak minorities get discriminated. 14 responded with a clear yes and 11 responded with a clear no.



## 5. *Which do you think is a better step towards a cleaner society?*

The Histogram gives a visual representation of the voted choices in the survey conducted between Rehabilitation and Incarceration. With the majority voting for the former (48 votes) over the latter (8 votes).



## **4.0 Rehabilitation**

The debate commenced with the first speaker from the Rehabilitation team.

According to the opening statements, the first speaker, [3] states that, there's no point in Incarceration due to the repetition of crime/ Recidivism, and that 20% of crimes are repeated in Sri Lanka. He states that education about the crime is a better idea than Retribution [4]

The third speaker says while [5] explaining that, according to statistics, there are fifty-eight prisons while there are three institutions of Rehabilitation in Sri Lanka. The speaker further states that Rehabilitation helps in the categorisation of prisoners into one social sphere, it educates prisoners and helps the prison structure release undignified people. He continues to state that, Rehabs help in changing people for better while Incarceration pursues revenge. Once the second member from the opposing team expresses their views, he says that a drop-in prison rate along with an increase in education provision rate can be seen in Rehabilitation. He further suggests that Rehabilitation should be done before criminals enter the prison.

The view of Incarceration using the idea of 'being undeserving' is brought up by the third speaker from the Rehabilitation team along with the points that Incarceration only thinks of big crimes and that crime is not always violence related.

There are articles supporting Rehabilitation and describing its advantages to society.

Subasinghe, Wasantha, Sumedha (2013) explained that drug related female prisoners are showing a rise in number. [6] So, this study is focused on female drug users with recidivism in the Welikada prison and Kaluthara prisons, their rehabilitation as well as proposing measures to reduce recidivism. In this project, interviews with many main officers were held. In the survey, fifty female drug-related prisoners and 10 case studies were used. And the results finalized that these prisoners faced many comprehensive challenges and problems. Thus, the fact that new Rehabilitation processes should be accomplished is highlighted here. So that the female drug related prisoners can be brought back as considerate people to the society.

But there are also articles supporting Retribution and describing its advantages too.

## 5.0 Incarceration

The word Imprisonment derives from the Latin word ‘prehendere’ which is- to seize. Imprisonment is a state where an individual is incarcerated, often a prison. The idea of imprisoning is to restraint a person’s liberty by a supreme authority, usually a recognised Government. Historical accounts show that the original purpose of imprisonment was to stop perpetrators from committing further crimes until punishment (often corporal) was administered. The idea of using prisons as a form of punishment came from the British philosopher Jeremy Bentham [7]. This idea of incarceration is still widely used as a tool for justice systems around the world today. Advocates for the system argue that rehabilitating prisoners doesn’t work. They often quote an influential report by the sociologist Robert Martinson who stated that existing rehabilitation systems simply ‘do not work’. Another scholar, Gary Becker (1968) whose works on economics of crime argued that the “increases in the cost of criminal activity will lead to a subset of potential criminals – to choose not to commit crimes.” Furthermore, such studies have suggested that there is minimal evidence to suggest that criminal parents won’t always result in nurturing future convicts in their children. Lastly, a point that is often overlooked – the sense of closure brought to the victim upon seeing the offender brought to justice is important.

On the other end, critics of imprisonment, point out the large population of inmates incarcerated, particularly in the United States. According to figures, the United States houses an estimated 25% of all the inmate population in the world [8]. To maintain the 2 million inmates (1% of the adult population), the United States spends a total of \$182 billion. Proponents of alternatives to widespread incarceration point out to the Norwegian prison system which focuses on rehabilitation. Prisons in Norway focus on increasing job training, raising employment prospects and reducing crimes in the future. However, the cost of this system is criticized to be prohibitively expensive for developing nations and poor nations.[9]

## 5.1 Survey Responses

The Survey Responses point the benefits of the continued usage of the practice of Incarceration. The speaker points out that crimes are knowingly committed by criminals and therefore – unless mentally incapacitated – are aware of the consequences of their actions. Thus, imprisonment serves as a useful deterrent for any potential criminal. Furthermore, from a moral perspective, questions arise when one has to consider whether Rehabilitation gives the victim of the crime, ‘justice’ especially in the cases of violent crimes - sexual assault or murder. Lastly an important question to consider is whether rehabilitation is possible for crimes such as crimes against humanity ex: Would Rehabilitation have had been viable against Nazi war crimes during the Nuremberg Trials?

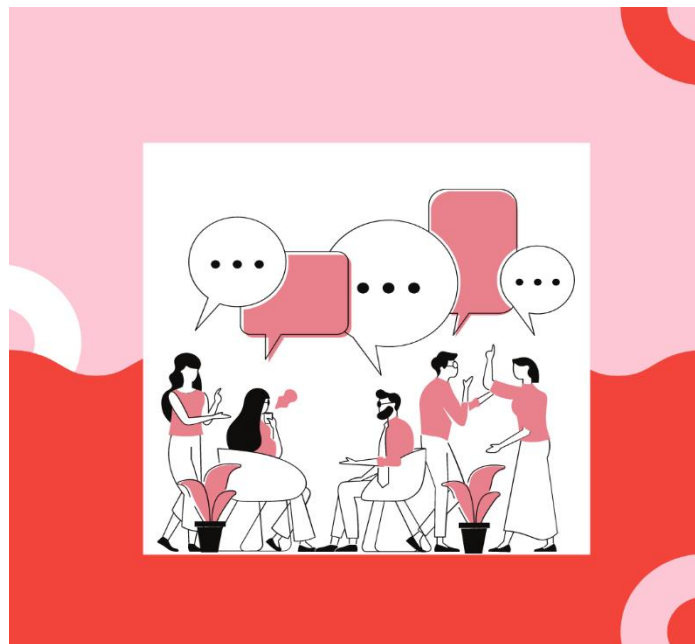
## 6.0 Categorization of Crimes

Incarceration	Rehabilitation
1. Extermination	1. Burglary
2. Rape	2. Arson
3. Sexual Crimes and Illegal Human Trafficking	3. Vandalism
4. Crimes against Humanity	4. Misdemeanour/disorderly
5. Abuse with intent to kill	5. Driving while intoxicated

## 7.0 Conclusion

This is a surveyed and researched analysis of the suitable mode of punishment for criminals amongst Rehabilitation and Incarceration. Educating people about the crime committed is an effective way of preventing criminal activities and repetition of those activities, and Incarceration is an effective way of discouraging offenders from the repetition of crimes in future. The surveyed analysis shows that most people have sided with Rehabilitation, but for developing countries like Sri Lanka, Rehabilitation is an expensive process of crime handling and management.

Effectiveness of incarceration is of hot debate in today's world, but it is hard to decide whether it is effective or not. As it is, both modes have their own practicalities as well as impracticalities.



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