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The Irrational Appeal of the Punishment Paradigm: how "Tough on Crime" Subverts Reason and Empathy

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The Irrational Appeal of the Punishment Paradigm:

How “Tough on Crime” Subverts Reason and Empathy

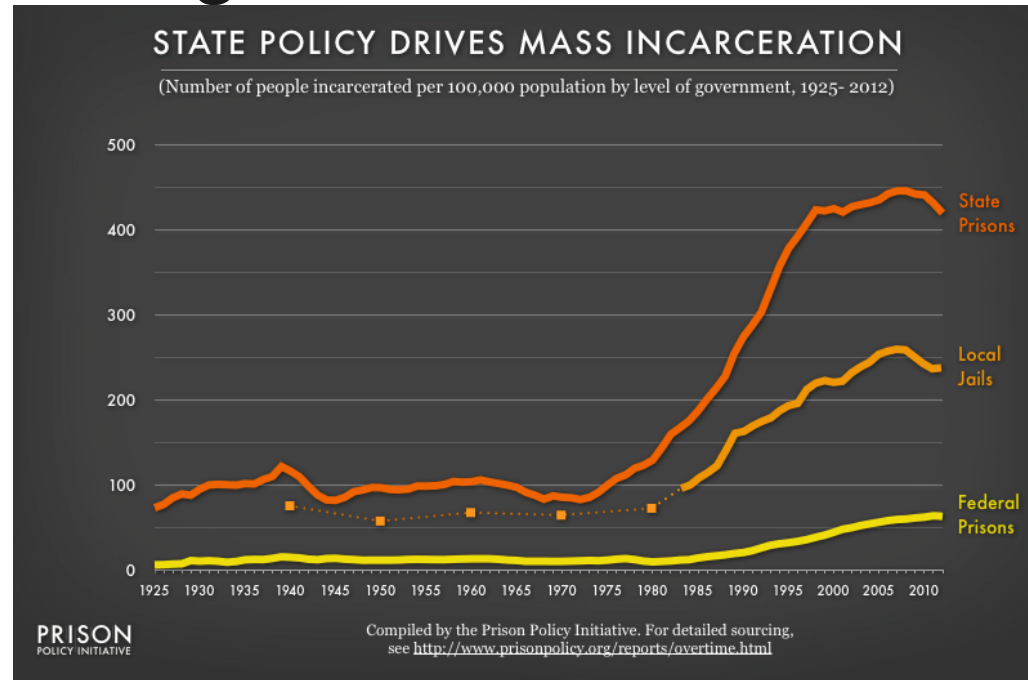
The rise of harsh sentencing in the U.S.

Truth in sentencing basically abolishes parole

Mandatory minimums increase sentences

Started in the 1970s

Laws gained popularity due to federal grants





The politics of harsh sentencing

The private prison industry has a very large lobby that has spent over \$25 million on increasing sentences

GEO group reported \$2.26 billion in revenue

Being “tough on crime” is the status quo for politicians



The cost of harsh sentencing

Costs \$25,000-\$50,000+ per inmate per year

Can cost up to 5 times more to incarcerate an elderly person

The prison population is aging due to harsh sentencing laws



The results of harsh sentencing

2.3 million people are currently incarcerated in the U.S.

The incarceration rate is 655 inmates per 100,000 people

22% of the global prison population

The U.S. has the highest prison population in the world

83% recidivism rate

Why do people still support harsh sentencing?



The narrative

Not based on reason, instead based on these assumptions:

Criminality is an uncontrollable impulse

A “bad person” will always be bad

Rehabilitation is futile

Law abiding citizens must be protected from ruthless criminals

Deterrence is the best way to prevent crime



Theory of Deterrence

Increased sentences -> lower crime rate

Neglects the social circumstances of criminality

Has become the predominant theory of punishment in the U.S. justice system

Promoted by theorists like Ernest Van den Haag and disseminated into the mainstream ideology

“The cost which can be imposed on the criminals can suffice to make crime unrewarding for most people most of the time. The threat of punishment is the major disincentive available.” (Van den Haag 1986)

Culturally constructed images

“Criminal”, “victim”, and “law abiding citizen”

Many criminals have been victims themselves

Mugshots and “perp walks”

“The media also distributes mugshots of arrested persons, in which the unflattering light, the drab background, the name and prisoner ID at the bottom - tells us we are looking at a “criminal””(Dole 2014 8-14)





Crime in popular fiction

In popular culture, a criminal is generally portrayed as de facto evil

The background story for ones crimes is rarely given

Many times the suspect ends up dead without a trial

The viewer is always encouraged to only identify with the victim and not the “criminal”

Usage of words like “sicko” and “scumbag”



Why does this narrative appeal to us

Not because of reason

Not because of evidence (studies have shown deterrence doesn't work)

Rather because of the emotional appeal of punishment

“Punishment can easily be subsumed by a desire for revenge, or greatly exceed the offense committed”(Seltzer 2014)

The human cost of the punishment narrative



Prisoners

Subjected to inhumane conditions

Frequently forced to work with next to no pay

The current system inhibits rehabilitation

Prisoners are rampantly and systematically dehumanized

Excerpt from “On Being Human”



Families

Parents are ripped away from children

“Fathers and sons have met for the first time in prison” (Dorado 2018)

Loss of income

Criminality is more likely when a parent is incarcerated

Prison can cause immeasurable grief

Excerpt from “Circles of Grief, Circles of Healing”



Rehabilitation: the alternative to deterrence

Focused on preventing future criminal acts instead of punishment for those already committed

Treat convicts humanely

Drastically lowers recidivism (20% in Norway)

Lowers the overall inmate population

Exception: psychopaths (15% of the prison population)

“Treat people like dirt and they will be dirt. Treat them like human beings and they will act like human beings.” (Dreisinger & Tom 2018)



Conclusion

Excessive sentences do not make us safer

Many lives have been destroyed, and communities torn apart as a result of excessive sentencing

We support this narrative on a non-rational level

Rehabilitation is a viable solution

“When a good person does something bad, they own up to it. They try to learn something from it and move on.

-Ron Swanson



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