

CORRECTIONAL THEORY

CONTEXT AND CONSEQUENCES

SECOND EDITION



FRANCIS T. CULLEN
CHERYL LERO JONSON



CORRECTIONAL THEORY

Second Edition

*For her courage, good humor, and
friendship in the face of adversity, this book is dedicated to
Wendi Goodlin-Fahncke.*

*We look forward to many years
of continued criminological companionship.*

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Second Edition

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Preface

The American correctional system is a virtual behemoth—a giant creature that seems to swallow an unending flow of the nation’s population year after year after year. The numbers are cited so often—more than 2.2 million people behind bars on a daily basis and nearly 5 million under community supervision—that they risk descending into mere banality. Ho hum. But lest we become tempted to accept a huge correctional system and mass incarceration as minor facts of life, we should understand what is at stake. For one thing, elected officials from both ends of the political spectrum are concerned by how much corrections drains from the public treasury. For another, we should be troubled by the number of our fellow citizens, many of them poor and people of color, who find themselves in handcuffs and then peering through the cold steel bars of a prison cell. “Statistics,” as Paul Brodeur eloquently reminds us, “are human beings with the tears wiped off.”

Corrections is thus fundamentally a human enterprise; lives and futures are at stake. As we consider what to do with offenders, simple answers escape us. Two realities tug at our hearts and minds. On the one hand, offenders have harmed others and thus do little to inspire our sympathy. If anything, we have reason to be angry at them and to want to harm them in return. On the other hand, offenders too often are drawn from bleak circumstances. If we had inspected their plight when they were 10 or 15 years of age, we would have lamented that the deck was stacked against them and that they were destined for a life in crime and behind bars. Any sense of fairness—of social justice—thus tempers our desire for vengeance and perhaps leads us to see merit in saving them from a criminal future.

This matter is complicated still further by an understanding that corrections is not only about offenders but also about us—about we as a people. Of course, we cannot ignore the seriousness of a crime or the circumstances that shaped a person’s decision to offend. But we also must be cognizant that our response to the criminally wayward is contingent on our own values and what Francis Allen calls our own sense of “social purpose.” We certainly do not wish to stoop to the level of the criminal (whatever that might mean), but what we should do to those who break the law is debatable. As a number of commentators have remarked, however, how we treat the least desirable among us perhaps reveals what we truly stand for as a people.

Thus, when we pull law-breakers into the correctional system, we must have some reason for doing so—some idea of what we hope to accomplish. *Correctional Theory* addresses this compelling and complex issue. It identifies and evaluates the major competing visions—or theories—that seek to guide the correctional system's goals, policies, and practices.

Correctional Theory is informed by three core themes, two of which are represented in its subtitle: *Context and Consequences*. These themes, found across the book, are as follows:

- *Theory Matters*. This is the notion that *ideas have consequences*. That is, the theories we have about the purpose and structure of corrections can impact correctional policy and practice. Thus, changing theoretical assumptions can legitimize changing ways of treating and punishing offenders.
- *Context Matters*. The theories that are embraced and allowed to direct and/or legitimate correctional policies are shaped by the prevailing social and political context. An effort is thus made to show how the changes in the nature of American society have affected correctional theory and policy.
- *Evidence Matters*. In corrections, policies and practices are largely informed by common sense, ideology, and institutional inertia. This rejection of science in favor of popular beliefs leads to the practice of *correctional quackery*—of pursuing policies that have little chance of being effective. Accordingly, as others are now doing, we make the case for the utility of evidence-based corrections. This orientation provides a rationale for the inclusion of discussions of *evidence* across the chapters.

Again, these issues are salient because lives are at stake—those of offenders and those of past and future victims. If we do foolish things—such as place wayward youths in boot camps—we may feel self-righteous but surely we will do little to help these poor souls or those they may well harm down the road. What we do to, and for, offenders will affect their futures and our public safety. In making correctional decisions, we thus must have a clear sense of what we intend to accomplish and whether our prescriptions are backed up by empirical data.

In the United States—and elsewhere—there was a campaign for more than four decades to get tough with offenders. Many elected officials promised to place more offenders in prisons and for longer periods of time. To be sure, a variety of factors fueled the nation's imprisonment boom, but one contributing source certainly was this desire by policy makers to build and fill prison after prison. In scholarly terms, there was a call to subject offenders to stringent punishments so as to pay them back for their crime (retribution), scare them straight (deterrence), and get them off the street so they cannot hurt anyone (incapacitation). Was this punishment movement a good thing? Did it achieve justice and make us safer? Much of *Correctional Theory* is devoted to answering these questions.

Recently, political leaders from both parties have voiced substantial doubts that this “war on crime”—which included the embrace of mass imprisonment—was a good idea. Importantly, *Correctional Theory* also explores alternative visions of corrections—especially the theory of rehabilitation—that argue against inflicting pain on and warehousing offenders. Corrections by its nature is punitive. Offenders go to court, and their freedom is restricted either in the community or inside institutions. The larger issue is whether the sanction that is imposed seeks only to harm and restrain or whether it also seeks to improve offenders and restore them to the community. Cullen and Jonson, your esteemed authors, believe that the empirical evidence and the need to achieve a broader social purpose combine to provide a convincing rationale for embracing a type of corrections devoted to saving the wayward from a life in crime.

In the end, however, the purpose of *Correctional Theory* is not to indoctrinate readers into our way of thinking—though, of course, we would be delighted if our work proved convincing in this way. Rather, the ultimate goal is to motivate readers to become sophisticated consumers of correctional knowledge—to start to question what they are told, to become evidence-based thinkers, and to develop their own theory of corrections to guide them as citizens and perhaps as policy makers and practitioners.

Cullen and Jonson would prefer to take all the credit for this book—and none of the blame should something prove problematic! We would prefer to list all those who, in the case of difficulty, readers should immediately define as the responsible culprits. But, alas, we have been too well socialized—too guilt prone—not to confess that *Correctional Theory* is a volume whose faults are ours and whose existence owes much to others. Given that this is a second edition, we have virtually no excuse for not fixing whatever faults graced the pages of our first try at this book. But we remain cognizant that without the encouragement, support, and insights of a variety of parties, *Correctional Theory* would not have been possible, either initially or now in its new and improved form.

Developing a roster of folks to acknowledge is quite similar to devising a list of people to invite to a wedding. Where does one draw the line? So many of our colleagues, friends, and students—who have shared ideas, tracked down references, endlessly photocopied articles, proofread chapters, and kept our spirits high and sanity intact—could easily be mentioned here. But in an effort to keep our list to a manageable length, we will acknowledge only those who have been intimately involved in making *Correctional Theory* possible. To all others—and you should realize who you are—know well that Cullen and Jonson are grateful to have you in our academic and personal lives.

Robert Agnew of Emory University is most responsible for inspiring this book; it was his idea. Bob had borrowed the detailed lectures on various correctional theories that Cullen had developed for a graduate-level distance learning course. He encouraged Cullen to turn the notes into a book—which, given the incomplete state of the notes, proved a daunting task (and one that Cullen soon realized required a diligent coauthor, Jonson, to undertake). Cullen initially thought that Bob was pulling his leg. But Bob’s persistent encouragement eventually led the project to move to a more concrete stage of development.

Jerry Westby at SAGE Publications made the first edition come to fruition and has insisted that we write this revised edition. Jerry's confidence in *Correctional Theory* and faith in its capacity to make an enduring contribution are heartening. He is the kind of editor that many authors hope for but few are fortunate to possess. Jerry's other talent is in recruiting a wonderful staff—competent and decent in every way. For shepherding this edition to print, we thus extend appreciation to Kristin Bergstad, Jane Haenel, and Laura Kirkhuff.

Our gratitude next goes to the five correctional scholars who agreed to review the first edition. Of course, Cullen and Jonson believe that these scholars are brilliant in large part because their comments were encouraging and moved SAGE once again to publish *Correctional Theory*! But we are also truly thankful for the set of scholars that took the time out of their crowded schedules to share an array of helpful insights with us that we trust have improved this edition. We are pleased to acknowledge our advisers for the second edition:

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Cullen and Jonson are fortunate to work and live in supportive environments. We must note our appreciation to our colleagues in the School of Criminal Justice at the University of Cincinnati and the Department of Criminal Justice at Xavier University. For various reasons, we wish to give special thanks to Cecilia Chouhy, Teresa Kulig, Daniel Mears, Melissa Moon, Joan Petersilia, Travis Pratt, Lacey Rohleder, Mary Stohr, Paula Smith, and John Wozniak. Most notably, we recognize our family members, whose daily love and support enrich our lives in many ways. Cullen gives a big hug to Paula Dubeck and Jordan Cullen. Jonson gives a big hug to Paul Jonson, John and Linda Lero, and Chris and Josh Siler.

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PART I

Crisis in American Corrections

1

From Theory to Policy



Doris Layton MacKenzie

Pennsylvania State University

Author of *What Works in Corrections*

Evidence-Based Corrections

On any given day in the United States, more than 1.5 million offenders are imprisoned in state and federal institutions. When inmates in jails and other custodial facilities (e.g., juvenile institutions) are included in the count, the nation's incarcerated population surpasses 2.2 million (Carson, 2014). There are also approximately 3.9 million offenders on probation and more than 850,000 people on parole (Herberman & Bonczar, 2014). Taken together, nearly 7 million Americans are under the supervision of the correctional system (Glaze & Kaeble, 2014). To put this number in more understandable terms, 1 in every 110 American adults is behind bars, and 1 in 35 is under some form of correctional control. For African Americans, this latter figure is 1 in 12 (Glaze & Kaeble, 2014; Pew Charitable Trusts, 2008, 2009; Wolfers, Leonhardt, & Quealy, 2015).

It can be misleading to cite statistics and imply that some crisis is at hand. For example, on any given day in America, about 600,000 people are in hospitals and 19.5 million are enrolled in college degree programs (United States Census Bureau, 2014). Are these numbers cause for concern? But in this case, the United States clearly has grown remarkably fond of a massive correctional system that is, in Travis Pratt's (2009) words, "addicted to incarceration." Signs exist the United States is trying to kick the imprisonment habit—an issue that will we will consider. But the stubborn fact remains that other Western industrialized nations exercise more restraint in locking up their citizens, both in terms of how many and for how long (Tonry, 2007). It is hard to imagine that in the early 1970s, the number of inmates in state and federal prisons dipped below 200,000. If we turn to today's count—the 1.5 million cited above—we see that the United States has experienced more than

a seven-fold increase in its prison population. Might this just be a product of the growth of the nation's citizenry? Yes, America's population has jumped from just over 200 million to just under 320 million. But this increase explains only a fraction of the expansion of the incarcerated population.

So, why do we place so many people in the correctional system? The simple answer, of course, is that they have committed crimes and been convicted, and thus some response by the government is required. But this explanation has two problems. First, it suggests that the amount of crime and the amount of corrections in a nation are tightly connected. But this is not the case. Within the United States, correctional populations do not rise and fall as crime rates rise and fall. Further, cross-nationally, nations with similar crime rates have incarceration rates that are dissimilar. To a degree, then, how many people are in prison or under community supervision is a policy choice. And this choice itself has a lot to do with what we hope to accomplish through a correctional intervention (Tonry, 2004, 2007).

This discussion thus leads us to the second problem with the simple notion that people are in the correctional system because they are offenders. This explanation begs the larger question of what *purpose* is served by intervening in the lives of offenders. What do we hope to accomplish? Our book is designed to address this very question. It is also intended to demonstrate that *theories matter because they affect correctional policy*.

Now, as just implied, across time in the United States competing visions have been set forth of *what corrections should be about*. We call these rival perspectives *theories of corrections*. They are comprised of three components. First, there is a statement of the *purpose or goal* of corrections. These tend to emphasize either restraining and inflicting pain on offenders or helping and reforming offenders. Another way to phrase this is that the purpose involves a *punishment response* or a *social welfare response*. Second, each theory has an implicit or explicit *blueprint* for how the correctional system should be arranged, including policies, practices, and organizational structure. Ideas thus matter; they influence what we do in corrections. Theories also breed conflict because each one demands that the correctional system be organized in a different way. Third, theories make a claim of *effectiveness*. Advocates assert not only that a theory's core goal is moral but also that their theory can be implemented effectively—in short, that it “works.” For example, proponents of deterrence theory claim that we should place offenders in prison because it yields lower reoffending rates than a community sanction. Is this really the case? This is where *evidence-based corrections* comes in and proves critical in discerning what works and what does not work. Data, not mere opinions, should play the central role in guiding allegiance to any given correctional theory and the correctional system it proposes.

Importantly, correctional theories are not autonomous entities that exist in some virtual reality above the world they seek to guide. Rather, they are produced by and believed by humans who live in particular socio-historical times. If you were living in the first part of the 1900s rather than today, your view of the world and of offenders might be quite different. If you now reside in a Red State or a Blue State, or perhaps in an urban neighborhood wracked by crime or in a gated community in

a ritzy suburb, your policy preferences might not be the same. One author of this book (Cullen) grew up in Massachusetts in an Irish family in which John Kennedy was admired and nary a Republican was in sight. He was schooled by the Sisters of Notre Dame who expertly inculcated not only a deep capacity for guilt but also a deep commitment to social justice. As a grade-school child, he learned the value of charity, donating coinage—and even the occasional dollar bill—to aid the poor and to help missionaries save “pagan babies” (yes, this is what the good Sisters called non-Catholic children in foreign lands!). Perhaps it is not surprising that his first book was called *Reaffirming Rehabilitation* (Cullen & Gilbert, 1982). Be forewarned: Cullen remains a supporter of rehabilitation—as is the case for coauthor Jonson, whose Catholic upbringing is a story for another time. We claim to be so now not because of nuns, priests, or the Pope, but because we are scientists who can read the empirical evidence. We will leave it to the readers to determine if this is indeed the case.

Thus, the chapters in this book are arranged—from front to back—in a rough timeline to show how the fate of correctional theories largely has hinged on the prevailing social context. For example, in politically liberal times, theories embracing offender reformation have flourished, whereas in more conservative times American corrections has been directed by theories advocating punishing offenders harshly and through incarceration.

In Chapter 2, we begin this story by showing how the theory of rehabilitation emerged in the Progressive Era of the early 1900s and dominated American corrections into the 1960s. The social turmoil of the sixties led to the attack on this therapeutic vision and resulted in theories emphasizing punishment. The conservative times of the 1980s, dominated by President Ronald Reagan, constituted a receptive context for seeing offenders as wicked super-predators beyond redemption and in need of caging. More recently, the limits, if not at times the bankruptcy, of political conservatism have created space for more reformist approaches to offenders. In fact, there is a growing consensus across political parties that mass imprisonment is no longer sustainable. The United States is now at a crucial policy turning point in trying to decide what the correctional system should seek to accomplish. Correctional theory promises to be at the center of the policy conversation that is ongoing across the nation.

The key intent of this analysis is to sensitize readers to the reality that *social context matters*. What people experience shapes how they see the world, which in turn makes them more receptive to certain correctional theories than to others. This is true of readers, of criminologists, and of us. Large shifts in the social context thus tend to produce shifts in the extent to which a given theory continues to “make sense” to the American public. It can also affect whether politicians believe that they can use specific crime control policies—such as favoring “law and order”—to advance their careers (Garland, 2001; Simon, 2007).

If context has a defining influence on correctional theory and policy, this may mean that, by contrast, something else plays only a limited role in guiding system practices. What might this “something else” be—something that is not paid attention to sufficiently? Some readers might anticipate the answer to this question: It is

the *evidence* on whether a theory has merit. Does what the perspective proposes actually work? A huge problem in corrections is that many policies and practices have been based more on common sense rooted in individuals' experiences than on hard empirical evidence. This failure to consult the evidence has led to correctional interventions that either are ineffective or iatrogenic—a fancy medical term meaning that the “cure” actually makes the patient, in this case the offender, worse off. In medicine, we call using interventions not based on the scientific evidence *quackery*. As we note below, *correctional quackery* is widespread and its eradication is a key challenge for those hoping to make American corrections better for offenders and better for public safety (Latessa, Cullen, & Gendreau, 2002).

Thus far, then, we have identified the core themes that inform the chapters that follow. Let us summarize them clearly here:

- Correctional theories identify what the purpose of the correctional system should be and what policies should be implemented.
- Historically, the popularity of competing correctional theories has been shaped by the prevailing social context. People's experiences affect what ideas about crime and its control make sense to them.
- Theories should be judged in large part on whether the policies they suggest achieve what they promise. Is a theory guilty of false advertisement—of making claims it cannot produce?
- The key to knowing what does and does not work—to knowing which theories should be embraced—is to look at the data. Corrections should be evidence-based.

In the remainder of this chapter, we address two topics in some detail. First, we have already mentioned that there are different theories of corrections. Thus, we start out by explaining what these are and then discuss issues related to them. In particular, we show why knowing whether these theories work—whether they have utility—is essential to knowing whether we should endorse them. Second, this analysis leads us directly into an examination of evidence-based corrections, a movement that argues for the use of data to inform correctional policy and practice. A large part of this book is about using evidence to evaluate the relative merits of the competing correctional theories. We alert readers—as we have done above—that corrections is a domain in which those in charge do many things to those under their control *without ever consulting the research evidence on what the best practices might be*. Readers might think that we are joking or, in the least, exaggerating. We are not.

In a way, we are mystified by this reluctance to consult the evidence before intervening in the lives of others. We consider it unprofessional, especially when people's lives are at stake—including both offenders themselves and those they might victimize in the future (Latessa et al., 2002). Still, we realize that the evidence on what does and does not work in corrections is not always clear. Studies can reach conflicting conclusions, and those who must daily face real-life inmates and community-based offenders are often undertrained and overworked. Finding

out what is a best practice—separating quackery from effective policy and practice—is often a daunting challenge.

In this context, this book attempts to present the evidence on rival correctional theories in what we hope is an accessible way. Make no mistake: Some issues are technical and some conclusions are, at best, provisional. But we trust that after taking an excursion through this volume's pages, readers will be more equipped to know the merits of the main correctional theories and will be more prepared to practice evidence-based corrections.

Theories of Corrections

What we call theories of corrections are often referred to as *philosophies of punishment*. This terminology is employed because each approach—for example, rehabilitation or deterrence—is seen as providing a philosophical justification for why it is legitimate for the state to punish someone through the criminal justice system. In the case of rehabilitation, the justification would be that the state sanctions in order to reform the wayward offender. We prefer the construct of *theories of corrections*, however, because it is broader in scope. It includes not only the goal or justification for sanctioning an offender but also the accompanying blueprint for how the correctional system should be *designed* in order to achieve a given goal. Thus, if rehabilitation is seen as corrections' main goal, then this will dictate a certain kind of sentencing, whether to have a separate juvenile court, the nature of community supervision, and the use of therapeutic programs in prison.

Thus, each philosophy or goal logically suggests a corresponding theory about which policies and practices should be pursued in the correctional system. This link between goals and what is done in corrections is often missed. In part, this is because most of us have multiple ideas of what the correctional system should accomplish—that is, we have *multiple goals* we want corrections to pursue. This is probably a practical way of viewing things, but it does mean that we often embrace goals that require *incompatible correctional policies and practices*. Take, for example, parole. The goal of “rehabilitation” would justify this policy (i.e., release inmates when they have been “cured”), whereas the goal of “deterrence” would not (i.e., parole would just teach inmates that they will not be fully punished for their crimes). Now, if we wanted the correctional system to deter and to rehabilitate, that might be a reasonable thing to desire. However, organizing the system to accomplish both goals fully is impossible. In this case, it is not feasible to both have and not have parole!

Again, in judging correctional theories, a key issue is that of effectiveness. Most often in corrections, we measure effectiveness—whether something works—by its impact on *recidivism* (although sometimes the focus is on *crime rates*). That is, if you follow a certain theory of corrections, does it make it less likely that offenders will return to crime? We could use other outcome measures, such as whether the theory saves money or makes offenders more employable and better citizens. But

let's be serious here: The “biggie” criterion for measuring effectiveness in corrections is whether something reduces crime.

As noted above, it is a daunting challenge to determine whether a policy—say, placing youths in a boot camp or in a prison cell—works to diminish reoffending. This is why, as criminologists, we are driven to distraction when scholars, policy makers, media commentators, or people at the donut shop just glibly say that a certain policy “works.” How do they know? Well, it's their “opinion.” That is not good enough! Remember, we favor science over attitude. We want all readers to jump on the bandwagon of evidence-based corrections!

Seven Theories in Brief

The intent at this point is to give a brief introduction to the major theories of corrections. These will be reviewed in greater detail in chapters devoted to each one. There are seven main theories of corrections:

- Retribution or Just Deserts
- Deterrence
- Incapacitation
- Restorative Justice
- Rehabilitation
- Reentry
- Early Intervention

RETRIBUTION: BALANCING THE SCALES OF JUSTICE

At the core of this theory is the mandate to pay an offender back for his or her wrongdoing. This attempt to “get even” is sometimes called “retribution” and sometimes called “just deserts.” Conservatives tend to favor the former term, liberals the latter. Why? Because conservatives wish to ensure that offenders feel the pain they have caused, they thus seek retribution. By contrast, liberals wish to make sure that offenders suffer no more than the pain they have caused; they want to see justice done but only that which is truly deserved. This distinction between retribution and just deserts is more than semantics—more than a war of words. Conservatives typically believe that retribution is achieved only when harsh punishments—especially lengthy prison terms—have been imposed, whereas liberals typically believe that just deserts is achieved through more moderate punishments and shorter prison sentences. Despite these differences, those in both political camps embrace the idea that the core purpose of the correctional system is to balance the scales of justice.

Note, however, that “getting even”—this balancing the scales of justice through a figurative eye-for-an-eye approach—is unrelated to the goal of reducing crime and of making communities safer. Offenders are punished as an *end in and of itself*—to achieve justice. Such pain or punishment is seen as warranted or “deserved” because the offender is assumed to have used his or her “free will” in deciding to break the law.

Because retribution or just deserts seeks to be an end in and of itself, this theory is called *non-utilitarian*. Theories that are *utilitarian* seek to sanction offenders not simply to sanction them, but for some other purpose. This purpose is most often to reduce crime. For example, I might put you in prison in hopes that someone else will learn of your fate and be too afraid to break the law. This is the so-called notion of punishing Peter to make Paul conform. To someone who believes in retribution, this action would be immoral. Peter should be punished only for what Peter personally has done. What Paul might or might not do should not be a consideration. In any event, hard as it is to keep straight, let us repeat the point: Principled advocates of retribution or just deserts could care less about how criminal sanctions affect crime. They are in the business of doing justice, not controlling crime.

As we will note shortly, utilitarian theories make the claim that their approach to corrections works best to reduce crime. This is an *empirical issue*. We can test these assertions by examining the data. This is where evidenced-based corrections becomes important. For the most part, evidence is not central to evaluating retribution or just deserts. This theory is based mainly on values—on the principle that people who harm others deserve to be harmed equally in response. We will not delve deeply into the issue here, but suffice it to say that this theory does make claims that can be evaluated with evidence—not about reducing crime but about other things.

For example, retribution or just deserts bases its morality on the assertion that people break the law due to their free will. This is why this theory demands that punishments should be calibrated to the seriousness of the crime; the more serious the crime, the harsher the punishment. Focusing exclusively on the crime presumes that all people are the same and thus face the same choice when it comes to crime. The only thing that separates them is how they decide to exercise their free will—to break the law or not. But what if criminological research shows—as indeed it does—that the propensity for crime begins in the first years of life and that offenders are, through no conscious choice of their own, quite different from non-offenders? What does this do to the free will assumption? In short, criminological evidence has implications for the claims of retribution theory whenever they are based on some view of how people and the world actually operate.

DETERRENCE: SCARING OFFENDERS STRAIGHT

Deterrence theory proposes that offenders should be punished so that they will be taught that “crime does not pay” and thus will not return to crime. Note that deterrence theory assumes that offenders are rational. Accordingly, efforts to

increase the cost of crime—usually through more certain and severe penalties—will cause offenders to choose to “go straight” out of fear that future criminality will prove too painful. They will refrain from reoffending so as to avoid the cost of the criminal sanction. This is called *specific deterrence*; sometimes, the term *special deterrence* is used. In any event, the key point is the assumption that punishing Mary—such as putting her in jail for a while—will make her less like to recidivate.

There is also the concept of *general deterrence*. Here, the assumption is made that people might decide to commit or not commit a crime depending on what they see happens to other people who break the law. One reason to punish Mary, then, is to make Paula think twice and not commit the crime she might have been contemplating. So, just to sum up: When *other people* in society refrain from crime because they witness offenders’ punishments and fear suffering a similar fate, this is called *general deterrence*.

What kinds of correctional policies do you think deterrence theory favors? To start with, deterrence advocates oppose discretion—that is, giving people like judges the freedom to place, for example, one robber in prison but not another or allowing parole officials to release one robber earlier from prison than another. You and I might disagree with deterrence theory on this point; we might want to give judges and parole board members such discretionary powers because no two robbers are the same. The two robbers just mentioned might have offended for different reasons—one to get money to buy drugs and party all night, the other in response to a mental disturbance. Similarly, when sent to prison, one robber might have worked harder than the other to be rehabilitated. Does it make sense to keep them both behind bars the same length of time? Because people, including any two criminals, differ, treating them the same in corrections ignores this important reality. It can result in interventions that do not work. Your authors, Cullen and Jonson, do, in fact, believe this.

Such thinking by Cullen, Jonson, and most other criminologists, according to deterrence theory, is mistaken. (Cullen and Jonson will return to this issue later in this book.) Deterrence advocates believe—or at least are willing to assume—that offenders exercise rational choice when breaking the law. This view is akin to the idea of free will, only a bit more specific. Offenders are seen to use their free will but in a rational way: They assess the potential costs of committing a crime, such as going to prison, versus the potential benefits, such as stealing money or, say, a computer.

If people do in fact consciously weigh costs and benefits, then two things follow. First, in many criminal situations, the benefits of crime are staring offenders in the face: They can see the laptop computer that is there for the taking or a pusher’s hand is displaying drugs to get high on if only they exchange some cash. Put another way, the gratifications tend to be immediate and often easily attained (Gottfredson & Hirschi, 1990). So why not succumb to temptation and grab these crime benefits? According to deterrence theorists, people will exercise self-control only when a little accountant in their heads pops up and says: “Hmm. Let’s do the calculation. Not a good idea. If you steal that computer and get caught, you will go to jail. It’s not worth it. Walk on by that computer, my foolish friend!”

Second, the critical issue thus becomes whether this little accountant thinks the crime—stealing the computer—will lead to an arrest and, if so, knows what punishment a subsequent conviction will actually bring. According to deterrence theorists, we cannot be ambiguous here. We cannot say, “Well, if you are caught, you might or might not go to prison. And if you go to prison, you might stay five years but you might get out in one year.” Every time judges and parole boards exercise discretion, they claim, the cost of punishment is made either less certain or less severe. No wonder, then, that the little accountant often concludes: “Hmm. How the hell do I know what’s going to happen to you? Take the damn computer, sell it for some hard cash, and then let’s get high and party down, dude!”

Deterrence theory thus provides a basis for a particular kind of correctional system. Punish the crime, not the criminal. This is done not to achieve retribution or just deserts but to reduce crime. Deterrence is a utilitarian theory; it is all about crime control. Punishments are to be fixed tightly to specific crimes so that offenders will soon learn that the state means business. Do the crime and you will do the time. No wiggle room allowed; no parole once sent to prison. Instead, the sentences served are to be determinate, not indefinite or indeterminate. Convicted offenders should be told at sentencing precisely how long they will spend in prison; once the sentence is imposed, no early release—the cost is carved in stone and not mitigated later on. Ideally, if prison sentences are going to be imposed, they should be made mandatory for everyone convicted of a crime. To stop the behavior, it is held, make the cost clear and unavoidable: Possess an illegal firearm, sell drugs, rob a store, then it is automatically off to prison.

INCAPACITATION: LOCKING UP PREDATORS

Here, no assumption is made about offenders and why they commit their crimes. Instead, criminals are likened to wild, predatory animals, such as a tiger, whose essential natures are given and are not going to change. For whatever reasons, the argument goes, those we send to prison have shown that they are predatory. We do not really care why they got that way, and we should have no illusions that they can be reformed. Good sense mandates that we remove them from society. To keep us safe, we place predatory animals in cages and behind sturdy walls. We should do the same with predatory offenders.

Thus, the explicit utilitarian goal is to reduce crime by caging or incarcerating offenders. The amount of crime saved—that does not occur—because an offender is in prison and not in the community is called the *incapacitation effect*. When prison is used to lock up everyone who has committed a certain crime (e.g., all gun offenders), this is called *collective incapacitation*. When an effort is made to predict who will be high-rate offenders and lock up only them, this is called *selective incapacitation*.

Sounds good, huh? There is a compelling, virtually indisputable logic to incapacitation. If dangerous offenders are behind bars, then they are not in my community—or any community—committing crime. What could be wrong with that? Well, to an extent, nothing. But incapacitation theory confronts two daunting difficulties. First,

its main correctional advice is to build more and more cages to house more and more offenders. This approach creates a correctional system that constructs prisons constantly and then fills them to the brim. We suspect that this is done because most offenders standing before the court manifest at least some risk of recidivating. If judges have an incapacitation mind-set, then it is logical to think: “Better safe than sorry; better send this one to prison.” Other options—such as sending offenders into a community-based rehabilitation program—are not considered.

The issue of how to spend the public’s money is important. Prisons are very expensive to build and maintain; they run 24/7, and guarding inmates is labor intensive. There is an immense *opportunity cost* to prisons. An opportunity cost is what you forgo—what you do not do—when you spend money on one thing (e.g., going out to eat) rather than on another (e.g., seeing a movie). In corrections, money devoted to prisons cannot be devoted to treatment programs or, perhaps, to creating early intervention programs. Closer to home, such funds also cannot be employed by the government to subsidize college education. In most states, students reading this book now pay higher tuition because tax dollars once used to defray such costs have been steadily siphoned off to pay for an ever-expanding prison complex. Whether many readers of this book realize it, they are paying indirectly to incapacitate offenders.

Second, the theory of incapacitation has nothing useful to say about what to do with the more than 620,000 offenders who return to society each year—most after serving about two to three years behind bars (Carson, 2014; Petersilia, 2003). In fact, the theory is deafeningly silent on this issue. Should we simply ignore this horde of prison veterans and hope for the best? Further, the theory has nothing useful to say about whether we might reduce ex-inmates’ high chances of recidivating while the offenders are still in prison. Research evidence now shows that simply caging offenders, placing them in prison and doing little else, typically either leaves their criminal propensities unchanged or strengthens them (Cullen, Jonson, & Nagin, 2011; Nagin, Cullen, & Jonson, 2009). There is that darn iatrogenic effect again—a correctional practice that worsens an offender’s criminality. This finding is not good for incapacitation theory.

RESTORATIVE JUSTICE: REDUCING HARM

When a crime takes place, *harm* occurs—to the victim, to the community, and to the offender. The traditional theories of corrections do not make rectifying this harm in a systematic way an important goal. Even with retribution—where the *state* punishes and balances the scales of justice—any reward or satisfaction to the victim is indirect. In contrast, in *restorative justice*, the state acts more as an arbitrator and less as an adversary. The goal is for all harms to be rectified and the injured parties to be restored. Offenders must restore the victims and community they harmed. This might be done by apologizing and by providing restitution to the victim and doing service for the community. In exchange, however, the offender is, ideally, forgiven by the victim and accepted back into the community as a full-fledged member.

Restorative justice is both non-utilitarian and utilitarian. It is non-utilitarian because there is an overriding concern for achieving justice in and of itself. In this case, the justice is not, as it is in retribution or just deserts, adversarial with the goal of inflicting pure harm on the offender. Think of Lady Justice with her scales tilted downward on one side. In retribution, the scales are balanced by pulling the offender down by having the individual experience pain—arrest, public stigmatization, prison, continued exclusion by the community. By contrast, in restorative justice, the scale tilted downward is pushed back up—restored to its previous position. The goal is thus to motivate offenders to admit their wrongdoing, apologize to victims, and take steps to compensate victims and the community for the harms suffered. The response of others is to hate the sin—it is condemned and shamed—but to love the sinner, if not literally, then at least in the sense of making reintegration possible. Restoration, not retribution—getting everyone back to normal, not getting even—is the goal.

Restorative justice is utilitarian, however, because it claims that its approach of harm reduction is more likely to lower recidivism than the typical correctional response. In fact, advocates of restorative justice wish to take offenders out of the traditional justice system, using prisons only as a sanction of last resort. They prefer to create a parallel justice system that is devoid of judges, prosecutors, defense attorneys, probation officers, and so on. Instead, when a crime occurs, the plan would be to have a “facilitator” call for a “restorative justice conference” (Braithwaite, 1998, p. 326). At this conference, multiple parties will be convened: the offender, the offender’s family members, people from the community who know and will support the offender, the victim, and his or her kin and supporters. The victim’s story, including harm experienced, will be told, and the offender will feel remorse and apologize. Guided by the facilitator, the group will develop a plan for restitution and for using members of the family and the community to build relationships with the offender so as to make recidivism unlikely.

There is much that is appealing about this theory, but also a good bit that is potentially problematic. One immediate difficulty is how to implement restorative justice in a nation that has more than 2.2 million offenders incarcerated—a number that may well decline but is unlikely any time soon to head south of 2 million. The other problem is that restorative justice theory is antiscientific. Its advocates believe, for example, that research on what works to make rehabilitation programs more or less effective is irrelevant. They are convinced that the key to reducing crime is the good faith efforts of non-professionals to construct a web of supportive relationships around the wayward that makes reoffending unlikely. We are all for social support and agree that the needless stigmatizing and rejection of offenders is counterproductive (Cullen, 1994; Cullen & Jonson, 2011a). Still, we are uncomfortable with any correctional theory that is not rooted in sound scientific criminology and in evidence-based corrections.

REHABILITATION: SAVING THE WAYWARD

As already intimated, Cullen and Jonson, your authors, are advocates of rehabilitation. We must let you in on a bit of a secret. When authors favor a certain

theory, they usually discuss it toward the end of the book—as we do here. Why? Because they want to tell you what is wrong about all the rival theories before explaining why their perspective is the best! We are disclosing this information so that readers will understand where our potential biases might rest. We say “potential,” because our goal here is not to be biased—to pull some ideological wool over the readers’ eyes. Rather, we support rehabilitation for what we see as a good reason: the empirical weakness of the other theories of corrections and rehabilitation’s consistency with what we know about the causes of offending and how best to reduce it. To be direct, Cullen and Jonson are convinced that a correctional system devoid of rehabilitation will increase recidivism and endanger public safety.

In the rehabilitation perspective, the goal is to intervene so as to *change those factors that are causing offenders to break the law*. The assumption is made that, at least in part, crime is determined by factors (e.g., antisocial attitudes, bad companions, dysfunctional family life). Unless these criminogenic risks are targeted for change, then crime will continue. Thus, crime is saved—recidivism is reduced—to the extent that correctional interventions succeed in altering the factors within or very close to offenders that move them to commit crimes (Andrews & Bonta, 2010).

What we have just outlined is not based on Advanced Rocket Science Criminology but is taught in Introduction to Criminology—a course readers might have taken. Every theory covered in the introductory course identifies a set of factors that is purported to increase the risk of crime: exposure to strain, differential association with antisocial peers, lack of social bonds or self-control, stigmatizing labeling, residing in a disorganized neighborhood, neuropsychological deficits, biosocial developmental trajectories, and so on. Does any of this sound familiar? Criminologists assume that crime is chosen but not according to some vague notion of rational choice. Rather, crime is held to be chosen for a reason—something is driving or shaping the choice. Again, criminological theories tell us what those reasons are (Lilly, Cullen, & Ball, 2015).

The implications of Introduction to Criminology are thus profound. If individuals do indeed commit crime because of the risk factors identified by criminologists, then it follows logically that their offending will continue unless they are cured of the criminal forces within and around them. This is why rehabilitation makes sense: It involves the use of correctional programs to cure what is wrong with offenders. In turn, this means that the system should be arranged to deliver effective treatment. We will describe the components of a rehabilitation-oriented system in Chapter 2, but for now we will note that it involves policies such as pre-sentence reports, indeterminate sentences and parole release, making prisons therapeutic, and having probation and parole officers provide or broker services for their supervisees. The overriding goal is to individualize treatment: Know what is criminogenic about each offender and try to fix it.

Introduction to Criminology is also why advocates of rehabilitation do not believe that inflicting harsh punishments on offenders is a prudent crime control policy. These approaches just do not change what makes criminals recidivate. Thus, rehabilitation theory predicts that if offenders are incapacitated—simply warehoused without treatment—then they will leave prison no better off, and worse off if they

have been exposed to criminogenic risk factors while behind bars. The theory also predicts that deterrence-based policies will not be very effective in preventing reoffending because they are based on a limited, if not incorrect, theory of crime (crime is simply a rational choice). For the most part, these predictions turn out to be true.

To be fair, rehabilitation has its own challenges to overcome if it is to claim the mantle as the guiding theory of corrections. For one thing, it is not easy to change people who do not want to change and may have spent their whole lives developing into hard-core criminals. Further, saving people within correctional agencies is difficult. Prisons are hardly ideal therapeutic settings, and many correctional workers lack the professional orientation, therapeutic expertise, and organizational resources to deliver effective interventions. Many programs initiated under the guise of rehabilitation are non-scientific and have no chance of reducing reoffending. For those readers not inclined to like rehabilitation, there is plenty of grist for your mill. We believe, of course, that the alternative correctional theories are far more problematic. But this will be for each reader to decide.

REENTRY: SAVING RELEASED PRISONERS

Here is the difficulty of mass imprisonment—more than 1.5 million inmates are housed on any given day in state and federal prisons: When you send a lot of people to prison, a lot of people come out of prison! Duh! This is what Jeremy Travis (2005, p. xxi), called the “iron law of imprisonment: they all come back.” Well, actually, it is about 95% of those sent to prison who come back—since a handful are executed, others—more than should—die due to medical reasons during their incarceration, and a fair number are serving life sentences that ban their release. But Travis (2005) got the big picture correct, which is why he titled his book on the subject, *But They All Come Back*.

It was not that Travis was the first to recognize this fact. Complaints that parole does not work and that recidivism rates for released prisoners are too high appeared regularly for years, if not decades. In the 1960s and 1970s, calls were made to “reintegrate” inmates returning to the community. Yet this concern was muted and unorganized. It was as though not paying attention to the obvious coming-back problem would make it go away. Maybe this neglect was possible because the numbers involved, although high, were not yet staggering. But this would change. Thus, the number of released inmates from state and federal prisons first topped 200,000 in 1983 and 300,000 in 1988. The annual count continued on a steep upward trajectory. New records were set in rather quick order: 400,000 was reached just two years later in 1990; 500,000 was surpassed in 1997; and 600,000 was attained in 2000 (Carson & Golinelli, 2013).

By the time Travis published his book in 2005, more than 700,000 inmates were being released annually—a figure that rose to a high mark of 729,749 in 2009 (Carson & Golinelli, 2013). This was a bad time for American corrections, but good timing for Travis’s book. Along with Joan Petersilia (2003), who wrote a similar book around the same time (called *When Prisoners Come Home*), his message was now difficult to ignore: We have to do something about the horde of inmates returning to our communities who then often are arrested and sent back to prison

(Clear, 2007). The number of released inmates has fallen more than 100,000 inmates, down to 623,337 in 2013 (Carson, 2014). Still, we are talking about more than 620,000 people, which is a lot! In fact, it is equal to or higher than the populations of a bunch of major U.S. cities, including Atlanta, Boston, Cincinnati, Miami, New Orleans, and Minneapolis. If you do not believe us, just Google “major American cities,” which is what we did!

But there was one more clever thing that Travis—and Petersilia—both did: They used the word *reentry* (actually in the subtitles of their two books) to describe the problem. Does a word really make that much of a difference? Well, in this case the answer is “yes.” The word reentry captured the reality that inmates are not simply being “released” or “returning” to society. Rather, they undergo an inevitable experience of having to leave prison and reenter a social life that they have been kept away from for a lengthy period. Given that hundreds of thousands of inmates each year are confronted with this transition, they argued that this unique experience needs to be recognized and addressed seriously.

In a way, Travis and Petersilia were advancing a theory of corrections—a way of thinking that sought to guide policy and practice when it comes to releasing offenders back into prison. This theory is not the same as other theories that apply to virtually the entire correctional process, because it is focused on only one component of this system. Still, reentry cannot easily be placed under any other theory’s umbrella—though it involves rehabilitation. Rather, it is its own unique entity and thus deserves its own unique examination.

Scholars have offered useful definitions of reentry (see, e.g., Gunnison & Helfgott, 2013; Mears & Cochran, 2015). For our purposes, as an event in inmates’ lives, reentry is defined as the transition of offenders from an institution into the community, typically under some form of correctional supervision. As a *correctional theory*, reentry is a planned correctional intervention designed to facilitate an inmate’s return to society so as to prevent further recidivism. Reentry programs can be undertaken in one of three phases—or across all three phases: during incarceration; during a period that spans or immediately follows incarceration (e.g., a halfway house); or fully after incarceration.

Reentry also involves two central components. First, the *correctional component* covers the actions taken by officials to reduce the likelihood of recidivism. Typically, this intervention includes treatment programs aimed at reducing criminal propensity. However, another aspect would be the surveillance strategies used to control offenders in the community—such as during parole supervision. Second is the *reintegration component*. This involves taking positive steps to help released inmates assume core social roles (e.g., employment, family) and to acquire material support to survive in the “real world” (e.g., housing, medical services). It also involves trying to remove the negative “collateral consequences” that restrict reintegration into society. Often written into federal and state laws, collateral consequences are the rights (e.g., voting) and privileges (e.g., access to certain occupations) that offenders lose as a result of a criminal conviction, especially a prison sentence (see Alexander, 2010; Jacobs, 2015). Taken together, the correctional and reintegration components are intended to *save released inmates from a life in crime*.

EARLY INTERVENTION: SAVING THE CHILDREN

Early intervention involves placing children at risk for a criminal future into programs early in life so as to prevent them from developing into juvenile or adult criminals. For example, young, single, disadvantaged mothers are likely to smoke or ingest drugs during pregnancy, which in turn compromises the development of the fetus's brain. The resulting neuropsychological deficits can make the mother's offspring irritable as a baby, hard to discipline as a toddler, and unable to focus on schoolwork as a child. These behaviors often lead to harsh and erratic parenting, rejection by other children, and failing grades in school—and, as you might imagine, place the youngster on a pathway to early conduct problems, associations with like-minded antisocial peers, dropping out of school, and progressively deeper involvement in delinquent behavior. How might this criminal trajectory be prevented? David Olds (2007) ingeniously came up with the idea of sending experienced nurses to visit these at-risk expectant mothers both during pregnancy (to encourage healthy behavior) and after pregnancy (to help the mothers in parenting skills). This program has proven successful in achieving healthy pregnancies and thus in saving children from struggling with crime-inducing deficits that can be traced to the womb.

The appeal of early intervention lies in its inherent logic: If something can be prevented, then why not do so? Why wait until the child develops into a predator who hurts someone and must be incarcerated? Does not a “stitch in time save nine”? Of course, few things involving humans turn out to be as easy as they sound on the surface. It is a daunting challenge to identify who the future criminals of America will be. Further, unlike the correctional system, there is no early intervention system to take up this child-saving task. Still, there should be, and the persuasive logic of early intervention is becoming more difficult to ignore. It now appears that early intervention programs will be an increasing part of the effort to save at-risk children and adolescents (Farrington & Welsh, 2007). It is why we have chosen to include it in this book.

In a way, early intervention is not really a correctional theory in that it does not carry advice on how to organize the correctional system. Whereas corrections focuses on what should be done with people *after* they have broken the law, early intervention focuses on what should be done with people *before* they have broken the law. In a way, early intervention is the counterpart to rehabilitation—just that it takes place earlier in the life course. Thus, similar to rehabilitation, early intervention is based on the criminological reality that individuals with certain traits and exposed to certain social conditions develop propensities to engage in crime. Only if these propensities are diagnosed and cured through some treatment will the individual be diverted from crime. This is preferably accomplished in the beginning stages of life (early intervention) but, if not, then it must be accomplished later in life (correctional rehabilitation).

Finally, as readers proceed through the discussions of the various views on corrections, Table 1.1 might serve as a useful synopsis of the theories. For each theory, the table summarizes its core goal, whether it is utilitarian or non-utilitarian, whether it focuses on the crime or the criminal, and the key correctional policies it recommends.

Table 1.1 Theories of Corrections

<i>Theory</i>	<i>Purpose</i>	<i>Utilitarian</i>	<i>Focus on Crime or Criminal</i>	<i>Key Correctional Policies</i>
Retribution/ Just Deserts	Get even Do justice	No	Crime	Determinate sentence Limit discretion
Deterrence		Yes	Crime	Mandatory sentences Abolish parole
General	Scare the public straight		Crime	High levels of imprisonment
Specific	Scare offenders straight		Crime	Long prison sentences Intensive supervision Scared-straight programs
Incapacitation		Yes	Both	Imprisonment
General	Imprison all offenders		Crime	Mass incarceration
Selective	Imprison high-rate offenders		Criminal	Incarcerate career criminals
Restorative Justice	Reduce harm to offender, victim, and community	Yes	Criminal	Sentencing conferences Restitution Offender reintegration
Rehabilitation	Reform offender	Yes	Criminal	Treatment programs Probation and parole Juvenile justice system
Reentry	Reduce recidivism among released inmates	Yes	Criminal	Treatment programs Reintegration programs Reduce collateral consequences
Early Intervention	Treat at-risk youngsters to prevent a criminal career	Yes	Criminal	Nurse home visitation Head Start Family therapy Multisystemic therapy

Utility, Opinion, and Evidence

We live in a society that values justice. This is why we expect offenders to be punished at a level that is consistent with the seriousness of their crime. That is, we want a measure of “just deserts,” with more serious crimes receiving harsher punishments. Any correctional system will thus have to pay attention to issues of retribution or

just deserts. An offender's punishment must fall within acceptable lower limits (it cannot be too lenient) and acceptable upper limits (it cannot be too harsh). However, the difficulty with a system based exclusively on retribution or just deserts is that we also live in a society that values utility—that wants things to “work.” Our correctional system thus is expected to balance these competing expectations: to do justice and to be utilitarian—that is, to exact retribution and to work to reduce crime.

Correctional policies and practices that violate these expectations of justice and utility risk being challenged. That is, one way to discredit a correctional policy—such as parole release—is to oppose it on the grounds that it creates injustice or increases crime. Of course, the opposite also holds: One way to advocate for a policy is to say that it promotes justice or reduces crime!

As we have seen, with the exception of retribution or just deserts, all other correctional theories embrace utility. They all claim that if their ideas are followed, crime will be reduced. Importantly, this claim is an *empirical issue* that can be decided by examining the existing evidence. Utilitarian goals only “make sense”—only seem worthy of our support—if, in fact, they have utility or benefits. If you advocate deterrence but the correctional system does not deter, then you are in big trouble! The same holds for the other correctional theories. In fact, philosophers would argue that if a utilitarian philosophy has no utility, then it has *no moral justification*. That is, the very morality of a utilitarian correctional philosophy hinges on its “coming through”—on it achieving the goals it states it will achieve.

At this point, we can see why a person's “opinion” is *irrelevant*. Whether a certain way of doing corrections has utility—for example, placing an offender in prison as opposed to a community cognitive-behavioral treatment program—is not a matter of what you, me, some politician, Snoop Dogg, or Snoopy might think. Saying that something works to reduce crime does not make it so. In fact, many people who set up correctional interventions suffer the sin of hubris—of unwarranted overconfidence. They easily delude themselves that some program they like—especially when they can give it a catchy name like *scared straight* or *boot camp*—will reduce recidivism simply because they think it will. But if we know anything about the history of failed programs in corrections, hubris typically is the first step to doing something stupid that has no chance of working.

Again, determining whether a correctional philosophy has its intended utility—whether it “works”—is not a matter of opinion but of *scientific evidence*—of research findings. This is why it is essential for us to take seriously the need for *evidence-based corrections*—a topic we examine in some detail in the next section. Before doing so, however, we want to emphasize that a major purpose of this book is to subject the utilitarian claims of the major correctional theories to empirical scrutiny. If we do what any given correctional theory advises, will these policies and practices result in less crime? Which theory is most supported by the empirical evidence? Which theory should guide American corrections in the 21st century? These are large and important questions, and ones that all students of corrections should take seriously. Again, our intent in this book is to provide readers with a

careful assessment of these issues. Regardless of which theory readers favor at this book's end, we trust that mere opinions will be relinquished in favor of a serious understanding of the evidence.

Evidence-Based Corrections

Around the year 2000, a general movement was initiated to make criminal justice *evidence-based*. Lawrence Sherman (1998) was the first to use the term explicitly in this policy domain when he called for an evidence-based policing. Shortly thereafter, Cullen and Paul Gendreau (2000) and Doris MacKenzie (2000, 2006) set forth the case for evidence-based corrections. More broadly, there were calls to make policy and practice systematically evidence-based in other social domains, including education, medicine, and—as we will see below—baseball (Ayres, 2007; Davies, 1999; Timmermans & Berg, 2003).

In short, there was an emerging recognition in the United States and beyond that we had done a poor job of using the research we produced to help us make the best decisions possible—especially as these decisions impacted other people's lives. In some areas, such as medicine, scientific data were valued but often not organized in an optimum way to help doctors make correct, life-saving decisions. In others, such as criminal justice and baseball, the use of research was vigorously resisted and dismissed. These domains have had occupational traditions that value common sense and personal experience—sometimes called clinical judgment—over research evidence. Such ways of thinking and doing business die hard. Still, even in these more resistant areas, there is an increasing recognition that ignoring research data reduces effectiveness and exacts a high cost. This book thus is part of the effort to suggest that using the best evidence available to inform correctional policy and practice is a good idea.

CORRECTIONAL QUACKERY

Consider if medical doctors made decisions that affected the lives of patients without any reliance on medical research on “what works” to cure patients. We would call them “quacks.” We would sue them in civil courts and perhaps cart them off to prison for needlessly injuring and killing people. Yet, in corrections, we often make decisions on the lives of offenders—which have implications for others, including future victims—based on myth, tradition, politics, convenience, personal opinion, and personal experience. The result is what Cullen and his good friends Edward Latessa and Paul Gendreau call *correctional quackery* (Latessa et al., 2002).

By correctional quackery, we are saying that much of what is done in corrections has the *scientific standing* that the practice of bloodletting would have in medicine! More formally, Latessa et al. (2002) define correctional quackery as “interventions that are based on neither (1) existing knowledge of the causes of crime nor (2) existing knowledge of what programs have been shown to change offender behavior. . . . The hallmark of correctional quackery is thus ignorance” (p. 43).

Our position is that correctional policy makers and practitioners (as well as those working in other agencies in the criminal justice system) have a *professional responsibility to seek out research evidence and to use this evidence to inform their decisions*. Corrections is not a “science” like medicine, but this does not mean that research evidence would not allow *better decisions to be made*. This is a theme we will revisit in this book.

INSIDER AND OUTSIDER KNOWLEDGE

Some readers might object that we should not place so much faith in “the evidence.” What about “personal experience” that comes from working in agencies? Does not this count for something? In this regard, the late Robert K. Merton (1972), a former professor of Cullen’s at Columbia University, distinguished between two kinds of knowledge: *insider* and *outsider*.

Insider knowledge refers to knowing about something because of all the personal experience an individual has had as an “insider”—as someone, for example, who has worked in a correctional agency or as a police officer. A person might have had many years to “make observations.” The individual has *rich data*, so to speak, and is able to understand the *complexities* of working in a criminal justice environment. Sometimes, this is also called *clinical knowledge*. It is having an “experienced eye” and a “gut-level feeling” about what is going on and what one should do with, say, a particular offender.

Outsider knowledge refers to knowing about something because one applies a standard methodology—the *scientific method*—to determine what is “really true” in the world. “Outsiders” do not work in an agency but rather conduct studies to develop a body of research literature on the subject. They assume that if high-quality studies are conducted, the resulting knowledge will allow us to “know what is really going on.” Personal experience is irrelevant because, in the end, faith is placed only in “what the data say.”

Now, importantly, what kind of knowledge—insider or outsider—do you think is valued in this book? Right: It is outsider or scientific knowledge that counts as “evidence” here. In taking this position, we do not mean to be arrogant about what someone who works in the system—including readers—might know about corrections. Insider knowledge has a place in making decisions on the job. Sometimes, it is the only knowledge available. Sometimes, a situation is so unique that a worker needs to “put everything in the mix” and use his or her experience to make an informed *clinical judgment*.

But three problems typically are associated with “insider knowledge.” When these occur, they can result in insider knowledge being incorrect or only partially correct. They can lead to “correctional quackery” (more generally, see Kahneman, 2011). First, there is the *N-of-1 problem*. This is the issue of *generalizability*. You and your experiences are, in essence, one case. In research, we use the letter “N” to refer to the number of cases—thus the idea of an “N of 1.” Relying on personal experience—insider knowledge—means that you assume that *what you have experienced also holds for other people in other settings*. But this may not be the case, especially since you play a role in affecting your environment in ways that other people may

not affect their environment (you are not a passive observer of “what’s going on” but an active participant). Basing policy on your experiences thus may result in decisions that would not work for other people and in other places.

Second, there is the *conflicting-personal-experience problem*. What happens when the “knowledge” you draw from your personal experiences differs from the “knowledge” someone else draws from his or her personal experiences? Who is right? Whose “insider knowledge” should we believe? Science, however, has rules (i.e., the *scientific method*) for trying to figure out which knowledge is best. Science is messy, too, and there are disagreements. But, again, the scientific method at least provides an agreed-upon strategy for figuring out whose knowledge is correct.

Third is the *selectivity-of-perceptions problem*. In deciding what is true about your world, you do not have to record or take down every instance in which some practice is tried. Let’s take baseball. Many managers use their personal experience and “gut feeling” about when, for example, to have runners steal a base. If they call a steal and it works, they believe that the strategy “works.” But what about the three previous times when the runner was thrown out? If the manager had looked at all instances in which a steal was attempted, he might conclude that having runners steal is not a good strategy. But without such statistics—without a scientific approach—managers are free to *selectively perceive the events in their environment*. Now, the same *selective perception* can occur with personal experience. We may focus on the events that seem important to us—the successes or failures we have had—but ignore other events that were not as important (or pleasing) to us. We may thus form opinions about the world that are distorted by these selective perceptions.

The problem in corrections is, again, hubris: the belief by too many people—whether policy makers or practitioners—that their view of how to punish or rehabilitate offenders is correct because of all the personal experience they have had in the system. There is not a sense that their clinical judgment might be idiosyncratic, not shared by others, and focused on successes but blind to failures. Of course, if American corrections were a bastion of success—taking in the predatory on one side of the system and releasing them as angels on the other side of the system—we would be trumpeting insider knowledge and the clinical judgment it yields. In fact, Cullen and Jonson would not be writing this book. But the stubborn reality is that corrections is an area more often marked by failure than by success. On the face of things, it seems that we should be doing a better job. Phrased differently, ignoring research evidence has not produced much success.

EVIDENCE-BASED BASEBALL

Cullen and Jonson both like baseball and, as a result, think it holds important lessons for life. When Cullen was a youngster, his grandfather would take him to Red Sox games at Fenway Park, where bleacher seats were 50 cents. Jonson somehow became an Atlanta Braves fan. Growing up in Defiance, Ohio, her options for watching baseball on television were severely limited. With each and every Braves game televised on TBS, she became a die-hard Atlanta fan. If Cullen and Jonson

were the Commissioners of Corrections, we thus would make everyone examine what has occurred in baseball over the past decade. This analysis would begin by having everyone read Michael Lewis's (2003) wonderful book, *Moneyball: The Art of Winning an Unfair Game*. Okay, see the 2011 movie version with Brad Pitt first and then read the book! We believe that this book holds important lessons for corrections (see also Cullen, Myer, & Latessa, 2009; Vito & Vito, 2013).

Moneyball is illuminating because it tells what happens when insiders who use insider knowledge run a baseball franchise as opposed to making decisions based on statistics or data—that is, decisions about who to draft, who to sign in free agency, and how to manage a game. As it turns out, major league baseball is—or at least traditionally was before *Moneyball* came on the scene—the ultimate insiders' game. Most general managers, managers, coaches, and scouts were, and still are, people who at one time or another played the game. They were socialized into and learned a culture that tells what are supposedly good baseball practices and what are bad baseball practices.

Strangely—that is, “strangely” for a sport that compiles reams of statistics—most of this insider wisdom is based not on statistics or *evidence* but on tradition rooted in personal experience (Gray, 2006; Schwarz, 2004). This involves the value of bunting late in a game, having a base runner try to steal, or perhaps advising a hitter to swing aggressively rather than work for walks (base on balls). On these and other things, it turned out that most of this insider wisdom is also wrong or true only under some circumstances (Tango, Lichtman, & Dolphin, 2007; see also Moskowitz & Wertheim, 2011). Decisions based on insider “gut feelings” rooted in personal “experience”—ignoring the evidence—were losing teams games and nobody realized it. Well, as true baseball fans might recall, Bill James, the guru of statistical baseball, understood this fact and tried to point it out, but almost nobody paid attention to him.

Insider perspectives also typically shaped who was drafted by major league teams. Teams have scouting departments because they believe that scouts—most of them having played in the major or minor leagues—can eyeball a player and tell who is likely to make it to the majors. Once again, this usually turns out to be an incorrect assumption. Scouts tend to be wowed not by statistical performances but by how a player “looks.” They like players with a “major league body”—someone who is tall and rangy, who can run fast, or who can throw over 90 mph. This is because their job is not to read statistics but to use their “experience” to pick out the guy who will become a star. They can “tell” who is a baseball player when looking at prospects because they are insiders and their insider status gives them special expertise.

As you now can anticipate, this turns out not to be the case. Many highly effective ballplayers have been, and still are, overlooked by scouts because they are under six feet, a bit chubby and slow, and throw only 88 mph. This occurs even when their statistical performance is far superior to other players who “look better.” This is because “everyone knows” that you can't be a major league player if you are undersized and not athletic in appearance. A key problem with the tradition of baseball is that those in charge are convinced they are right. It is that darn hubris thing again. They do not subject their knowledge to empirical test. When a bunt

leads to a winning run being scored, they talk about “good strategy.” When it does not, they do not wonder whether the strategy was stupid, but talk about players not hitting in the clutch with men in scoring position. Equipped with selective perception, their views about baseball are virtually impossible to falsify—to prove wrong.

As detailed in *Moneyball*, however, this situation changed when Billy Beane became general manager of the Oakland Athletics. He was once an athletic “phenom” who was drafted in the first round by the New York Mets (along with Darryl Strawberry!). Blessed with a “great body” and tons of athleticism, Billy Beane had one problem: When a pitch came his way, he could not tell a “ball” from a “strike.” This meant that he did not do a good job getting on base. When Billy Beane became a general manager (GM), however, he realized that being an “athlete” (which he was) was not the same thing as being an *effective* baseball player (which he was not). He lost his trust in scouts and in accepted insider-baseball wisdom. He realized that what really mattered was not how a player looked, but how he *performed over long periods of time*.

Billy Beane also bought into a theory about baseball—in essence, the “theory of outs.” The defining aspect of the game is that each inning has *three outs*. In effect, this means that anything that contributes to an “out” being made is bad for the offense and good for the defense because it limits the ability to score runs—and scoring runs is how baseball games are won! This means that what matters most for the offense is *getting on base*. Walks—long seen as irrelevant—are a very good thing. Not striking out is good, because any ball “put in play” has a chance of being a base hit. Hitting a home run is really good because it creates a run and prevents an out. In contrast, the best pitchers are those who strike out hitters, do not walk hitters, and do not give up home runs.

If these facts are true, then it would only make sense to draft, trade for, and sign free agent players who get on base a lot (i.e., have a “high on-base percentage”) or, if pitchers, those who do not walk a lot of hitters and give up a bunch of home runs. In the end, it would *make almost no difference whatsoever* whether the players who do this are housed in athletic bodies or can throw 95 mph. Rather, you would know who the most effective players are by looking at their statistical history of performance. Preferably, you would mostly draft college players, because then you would have a longer statistical history to use in judging their performance. You would also scour the major leagues for undervalued players who performed well on key statistics (e.g., on-base percentage, slugging percentage) but were not the kind of athletic specimens who inspire awe. Further, if you used statistical data to select players—rather than insider knowledge—then arguably you would create a team that, collectively, produced a lot of runs and did not give up a lot of runs. Since scoring more runs than your opponent is what wins games, you would—over the course of a season—win a lot of games.

Now, Billy Beane was not the first person to argue that statistics should be used to make baseball decisions (Schwarz, 2004). Most famously, Bill James long advocated using statistics to manage baseball more effectively, and coined *sabermetrics*, a term that “married the acronym for the Society for American Baseball Research and the Latin suffix for measurement” (Schwarz, 2004, p. 127). However, the insider culture within baseball was so hegemonic—it dominated virtually everyone’s

thinking—that James was ignored for years (Gray, 2006). (He was eventually hired by the Red Sox before they ended an 86-year drought and won their two World Series championships in 2004 and 2006.)

Beane was innovative in that he was the first GM to use statistics systematically to control how he managed his team, the Oakland A's. Accordingly, he provided a test case for whether evidence-based baseball is more effective than insider-based baseball. Readers will have already figured out that Beane showed the value of an evidence-based approach—or Cullen and Jonson would not have devoted so much space to him. From 1999 to 2006, Beane's teams averaged 94 wins a season. By contrast, the New York Yankees averaged just 97 wins annually.

So what is the big deal? As Lewis points out in *Moneyball*, the issue is, well, money. During this time, the Yankees' payroll was three times higher—and yet they won only on average three games more per season. Between 1997 and 2005, the Oakland Athletics paid an average of \$423,053 a win; the Yankees' cost per win in player salaries was over \$1.2 million (Cullen, Myer, & Latessa, 2009). Further, during this time, the A's lost a cavalcade of all-stars to free agency or to trades made necessary by the threat of free agency. The only way that Beane would be successful on such a small budget was to practice evidence-based baseball: to use statistics rather than insider knowledge to make player-personnel decisions.

In short, the story of Billy Beane and the Oakland A's is a case study of what happens when decisions are based on *scientific evidence* and when those you are competing against base their decisions on custom and personal experience. Over the long haul, *rationality produces distinct advantages*. Other teams, for example, did not draft a pitcher like Barry Zito—an all-star pitcher—because he throws the ball only 88 mph. The Oakland A's did draft him because his past statistical performance was outstanding. They were more interested in how many batters Zito could get out rather than in how much “heat” he had on his fastball.

Billy Beane hired an assistant, Paul DePodesta, who had no professional baseball experience but did have a Harvard University education. In *Moneyball*, Lewis (2003) described DePodesta's thinking in this way:

He was fascinated by irrationality, and the opportunities it created in human affairs for anyone who resisted it. He was just the sort of person who might have made an easy fortune in finance, but the market for baseball players, in Paul's view, was far more interesting than anything Wall Street offered. There was, for starters, the tendency for everyone who actually played the game to generalize wildly from his own experience. People always thought their own experience was typical when it wasn't. There was also a tendency to be overly influenced by a guy's most recent performance: what he did last was not necessarily what he would do next. Thirdly—but not lastly—there was the bias toward what people saw with their own eyes, or thought they had seen. The human mind played tricks on itself when it relied exclusively on what it saw, and every trick it played was a financial opportunity for someone who saw through the illusion to the reality. There was a lot you couldn't see when you watched a baseball game. (p. 18)

Since the *Moneyball* years, the Oakland A's have not always fared so well, which might lead some critics to question Beane's evidence-based approach to baseball management. Enduring baseball poverty and repeatedly losing star players did take

a toll. But looks can be deceiving. After a few losing years, the A's averaged more than 92 wins a year from 2012 to 2014. Further, Benjamin Morris (2014) provides a broader perspective by calculating how Beane's teams performed from 2000 up to 2014 relative to the salary available and relative to other teams. He found that the A's led Major League Baseball with an annual average of 12 wins above payroll expectations. In financial terms, Morris (2014) concludes that "the A's have exceeded expectations by close to \$1.38 billion"—yes, billion!

In the end, therefore, little doubt exists that Billy Beane's *Moneyball* approach was correct; the evidence is on his side. The greatest challenge, however, is that other general managers proved that they preferred to win games than continue to rely in incorrect insider knowledge! Alas, Lewis's *Moneyball* unmasked Beane's advantages—as two economists showed relative to the prior "underpayment of the ability to get on base" that "was substantially if not completely eroded within a year of *Moneyball*'s publication" (Hakes & Sauer, 2006, p. 184). Now, all baseball teams have come to employ sabermetricians and to use statistics in personnel decisions. Even the scoreboards at baseball parks now report not only batting averages but also OBP (on-base percentage) and slugging percentage—statistics that relate to run production and winning games. "Analytics" also are increasingly used during games. As White (2014, p. C14) notes, a "proliferation of shifting defenses, shuffling lineups and statistically based efforts to identify the next edge or market inefficiency has impacted how the game is parsed and played." Although some may still hold on tightly to the traditional insider culture, the baseball world has had to become smarter—lest it fall prey to the data and rationality of GMs like Billy Beane.

Now, we trust that you can start to see—or even better, to start to truly feel—the connection between *evidence-based baseball* and *evidence-based corrections*. *Why not become the Billy Beane of corrections?* Of course, we well know that simple comparisons between baseball and corrections are a stretch. It is one thing to predict how many runs a team will score and quite another to predict the recidivism rate for a treatment program. But the broader point is worth truly contemplating: *In human endeavors—whether it is baseball, medicine, or corrections—ignorance is a dangerous thing.*

The special risk of insider knowledge is that it is a potential source of a particularly troublesome type of ignorance: beliefs that, because they are rooted in our personal experience, we just "know" to be true (or cannot believe are incorrect). The challenge for those of us in or who care about corrections, then, is to escape the blinders of mere personal experience, to take steps to learn about the existing scientific evidence, and to use this evidence to support interventions that are the most likely to be effective.

Conclusion: What's Ahead?

Corrections is serious business. People's lives are at stake—both offenders and potential victims. The harsh reality is that, similar to fighting cancer, success comes in small doses, incrementally, and only after careful research and experimentation. But corrections is not merely a matter of science and public health. It also is a political institution—an arm of *the state* (a fancy name for the government). As a result, it is

vulnerable to being caught up in larger socio-political movements that change the social context and thus usher in new ways of thinking and new ways of doing.

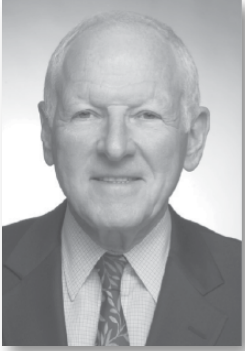
Starting in the next chapter, we describe some major shifts in American society that have reshaped the nature of corrections. Perhaps the key transformation occurred in the late 1960s into the mid-1970s when rehabilitation came under attack and lost its status as the dominant theory of corrections. For this reason, we call Part I of the book—Chapters 1 and 2—“Crisis in American Corrections.” What we mean by this title is that once rehabilitation was no longer widely accepted as *the* main way of thinking about how best to respond to offenders, a crisis existed as to what theory should govern correctional policy and practice. Despite many appropriate criticisms, Cullen and Jonson, your authors, would have preferred that rehabilitation did not lose its luster, because a lot of quackery and harm to offenders and innocent victims might have been avoided. Alas, not too many people bothered to listen to Cullen (see Cullen & Gilbert, 1982) and Jonson was still in grade school during much of that time.

As rehabilitation declined, however, other theories gained in popularity and increasingly guided correctional policy and practice. Most notably, the United States experienced the ascendancy of the theories of retribution or just deserts, deterrence, and incapacitation. These are distinct paradigms, but they shared a common element: They all rejected rehabilitation and embraced punishment as the preferred way to organize the correctional system. For this reason, they are considered together in Part II, which we have termed “The Punishment Response.” It contains Chapters 3, 4, and 5.

These punitive-oriented theories provided a powerful justification for a mean season in American corrections—a time not only when mass imprisonment became a near-permanent state social institution but also when gleefully trumpeting the infliction of pain on offenders was celebrated (Clear & Frost, 2014). Only in more recent times have we seen the revitalization of competing approaches such as the theories of restorative justice, rehabilitation, reentry, and early intervention. Because they emphasize using the correctional system to improve the welfare of offenders, we have placed the theory of restorative justice (Chapter 6) and rehabilitation (Chapter 7) in Part III. We have labeled this section as “The Social Welfare Response.” In recent years, an effort has been made to broaden this social welfare response to include two critical periods that might help save people from a life in crime—the time when prisoners reenter society and the time when future offenders are growing up. Discussions of reentry (Chapter 8) and of early intervention (Chapter 9) are contained in Part IV. This section, which also includes a review of the core lessons offered by this book (Chapter 10), is termed “Extending the Vision of Corrections.”

Over the book’s chapters, we thus tell this story of the struggle between two visions of corrections—one rooted in pain and prisons and the other rooted in betterment and social welfare. Again, our tour across history and into the bellies of these theories will be undertaken on a ship of science. The intent is to leave readers equipped with the knowledge and skills to be consumers of correctional research knowledge and thus able to practice evidence-based corrections. Let the trip begin!

2



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Correctional Theory in Crisis

America's Changing Context

Our main goal is to have readers think seriously about the competing correctional theories. These theories are critical to study because *ideas have consequences*—that is, the belief in one versus another theory can lead to or justify vastly different correctional policies and practices. We also have urged that allegiance to any given theory be based on evidence—on the extent to which theoretical claims are rooted in empirical reality. The historical record suggests, however, that the emergence and fate of any given correctional theory has had less to do with science than with the prevailing *social context*. Ideas are not so much rational choices as they are ways of seeing the world inculcated during childhood and influenced by experiences, whether in school, on the job (something called occupational socialization), or in the larger society. In short, context affects theory, which in turn affects policy and practice.

This context → theory → policy linkage should not be seen as an iron law that governs corrections. It is more of a heuristic device, a helpful way of thinking about how this trinity of factors is interrelated. In reality, each component in this chain can affect the others; that is, there can be feedback loops or reciprocal effects. When policies fail, for example, this might open up political space for new theories to emerge that can rival existing ways of seeing corrections. The development of fresh and powerful ideas can create a different context by mobilizing reformers to change how a society is organized. And so on.

Still, as a rule of thumb, the context → theory → policy linkage will assist readers in understanding the general outlines of the United States' correctional history. Most important, when there are shifts in policies, readers will immediately realize that other things are up—and will be prompted to ask questions. What theoretical ideas have changed to justify these policy transformations? How might this be due to broader shifts in the nation's social context? In short, what occurs in corrections will not be seen in an insular, taken-for-granted way. There will be a constant understanding that a broader perspective is needed—that policies are rooted, implicitly or explicitly, in theoretical ideas and are enmeshed in an ongoing, dynamic context.

The context → theory → policy linkage also applies to all of us—to readers and to Cullen and Jonson. To think clearly about corrections, it is foolish to deny that we are somehow immune to the social forces that fill our consciousness with certain values, beliefs, and constructs. It is a touch amusing—and perhaps a touch arrogant—when we look to the past and wonder how our predecessors could have been so stupid to think the way they did. Here we are with 2.2 million fellow Americans behind bars, and we wonder how those in past times treated criminals so naïvely or inhumanely. Rather, the key to observing our world more accurately is, paradoxically, to admit that our observations will never be fully free of who we are and the times in which we live. Alvin Gouldner (1970) called this talent to observe ourselves *reflexivity*. We might add that the other limit on our biases is science. Science plays by rules that, though not free from individual values, require others to scrutinize what we do as a way of checking on our claims. Robert Merton (1973) termed this core principle of science *organized skepticism*.

As we move into this chapter, then, we attempt to place American correctional theory within a broader social context. We make four points:

- By the early part of the 1900s—in a time period called the “Progressive Era”—rehabilitation had emerged as the dominant philosophy of corrections. The emergent rehabilitative ideal shaped virtually every aspect of correctional policy and practice—including the components of the correctional system. We need to know, then, something about the *rise of rehabilitation*.
- In the later 1960s and early 1970s, rehabilitation was attacked by conservatives and liberals. Suddenly, no one seemed to believe in rehabilitation anymore. People claimed that “rehabilitation is dead.” Why did this happen?
- A part of the attack on rehabilitation involved the claim that there was *no empirical support for correctional rehabilitation programs*. In a famous essay, Robert Martinson asserted, in essence, that “nothing works” in correctional treatment. The existing data seemed to confirm that rehabilitation was not humane or effective; it had no justification. Why were people so ready to accept the conclusions of Martinson's article?
- Once rehabilitation was called into question, this issue inevitably arose: If rehabilitation was not going to be the guiding philosophy of corrections, what would be? There was a *theoretical and ideological crisis in corrections!* Should the main goal of corrections be deterrence? Incapacitation? Some “get tough”

combination of the two? Simply to do justice and not worry about crime control? Some argued that the answer should be to *reaffirm rehabilitation*—that the attacks on rehabilitation were not warranted. But that is another story for later in the book.

Thus, our analysis follows this sequence of topics: (1) the rise of rehabilitation; (2) the attack on rehabilitation; (3) the role of research evidence and the *nothing works doctrine* in this debate; and (4) the resulting crisis in corrections and the ensuing debate, which continues to this day, on what theory should guide the correctional system. Because rehabilitation is at the core of this story, we start out by defining and discussing this concept. This analysis builds on the brief overview of the theory of rehabilitation presented in Chapter 1.

Before moving forward, we want to make two points. First, obviously, this chapter does not pretend to present a full history of corrections. If we claimed that we could write such an account in a single chapter we would be either delusional or deceptive. Rather, this chapter uses the historical record for a more specific purpose: to frame the key developments that have influenced the course of correctional theory in the United States. Put another way, this is more of an intellectual history—that is, an examination of how a central idea about corrections—that offenders could be reformed—emerged and then, in a tumultuous social context, lost its legitimacy, throwing the field into a theoretical and policy crisis. Again, the rehabilitative ideal is important because it was the theory that provided the rationale for the invention of the main components of the modern correctional system (e.g., prisons, probation, parole, juvenile justice system). Because this ideal was so influential, its decline opened the way for other theories, especially those favoring a punishment response, to rival if not surpass its influence—at least for a while.

This leads to the second point. In Chapter 7, we return to the story about rehabilitation. At that point, we detail how rehabilitation eventually made a remarkable comeback, in large part because of the evidence its advocates marshaled showing its effectiveness. The other thing that has occurred since the first edition of this book is how much policy makers from both political parties have come to question the wisdom of mass imprisonment. This wavering of support for the punishment response is another reason why rehabilitation is regaining influence within corrections. So, consider this paragraph a trailer for a movie about rehabilitation that will not be released until a bit later. But you do know where this story is headed!

What Is Rehabilitation?

The concept of rehabilitation rests on the assumption that criminal behavior is caused by some factor. This perspective does not deny that people make choices to

break the law, but it does assert that these choices are not a matter of pure “free will.” Instead, the decision to commit a crime is held to be determined, or at least heavily influenced, by a person’s social surroundings, psychological development, or biological makeup.

People are not all the same—and thus free to express their will—but rather are different. These *individual differences* shape how people behave, including whether they are likely to break the law. When people are characterized by various “criminogenic risk factors”—such as a lack of parental love and supervision, exposure to delinquent peers, the internalization of antisocial values, or an impulsive temperament—they are more likely to become involved in crime than people not having these experiences and traits.

The rehabilitation model makes sense only if criminal behavior is caused and not merely a free willed, rational choice. *If crime were a matter of free choices, then there would be nothing within particular individuals to be “fixed” or changed.* But if involvement in crime is caused by various factors, then, logically, reoffending can be reduced if correctional interventions are able to alter these factors and how they have influenced offenders. For example, if associations with delinquent peers cause youths to internalize crime-causing beliefs (e.g., “it is okay to steal”), then diverting youths to other peer groups and changing these beliefs can inhibit their return to criminal behavior.

Sometimes, rehabilitation is said to embrace a *medical* model. When people are physically ill, the causes of their illness are diagnosed and then “treated.” Each person’s medical problems may be different and the treatment will differ accordingly; that is, the medical intervention is *individualized*. Thus, people with the same illness may, depending on their personal conditions (e.g., age, prior health), receive different medicines and stay in the hospital different lengths of time. Correctional rehabilitation shares the same logic: Causes are to be uncovered and treatments are to be individualized. This is why rehabilitation is also referred to as treatment.

Correctional and medical treatment are alike in one other way: They assume that experts, scientifically trained in the relevant knowledge on how to cure their “clients,” will guide the individualized treatment that would take place. In medicine, this commitment to training physicians in scientific expertise has been institutionalized, with doctors required to attend medical school. In corrections, however, such professionalization generally is absent or only partially accomplished.

The distinctiveness of rehabilitation can also be seen by contrasting it with the three other correctional perspectives: retribution, deterrence, and incapacitation. As noted previously, rehabilitation differs from retribution, but is similar to deterrence and incapacitation, in that it is a *utilitarian goal*, with the utility or benefit for society being the reduction of crime. It fundamentally differs from the other three perspectives, however, because these other goals make no attempt to change or otherwise improve offenders. Instead, advocates of these theories want to inflict pain or punishment on offenders either for a reason (retribution in order to “get even” or deterrence in order to “scare people straight”) or as a consequence of the penalty (incapacitation involves placing offenders in an unpleasant living situation, the prison). In contrast, rehabilitation seeks to assist *both offenders and society*. By

treating the wayward, its advocates hope to give offenders the attitudes and skills needed to avoid crime and live a productive life. (Restorative justice and early intervention share this orientation with rehabilitation.)

At times, this attempt to help offenders exposes rehabilitation to the charge that it “coddles criminals.” This view is short-sighted, however, because correctional rehabilitation’s focus is not simply on lawbreakers but also on protecting society: By making offenders less criminal, fewer people will be victimized and society will, as a result, be safer.

As we will see below, the idea that we should rehabilitate criminals is not a new invention. In fact, it is deeply woven into the history and culture of the United States. This is one reason, perhaps, that public support for rehabilitation remains strong—an issue we revisit later in the book.

The Rise of the Rehabilitative Ideal

In this section, we trace the centrality in American corrections from the 1820s into the late 1960s. Covering approximately a century and a half in a few pages means that, as brilliant as Cullen and Jonson are, we leave out a few details! However, we establish the essential point that during this long period, the notion that efforts should be made to save the wayward from a life in crime became firmly entrenched in American culture. At the start of the 1960s, nearly all criminologists and members of the nation’s political elite embraced the rehabilitative ideal as their chief theory of corrections (Toby, 1964; see also Menninger, 1968). To do otherwise, it was thought, would be to resist the march toward the creation of a civilized, enlightened society that would be the exemplar for the rest of the world to admire and follow.

Today, despite some recent policy improvements, America’s correctional system is in crisis. If anything, it is (or should be) a source of national embarrassment. Commentators liken prisons to warehouses (Irwin, 2005) and, given their racial composition, see them as the functional equivalent of inner-city ghettos (Wacquant, 2001, 2009). Cullen and Jonson, your authors, believe that the attack on rehabilitation contributed to this disquieting situation (Cullen & Gilbert, 2013). If corrections is not devoted to reforming offenders, then what reason is there to be concerned about the quality of prisons and the quality of interventions? Why not just relish inflicting pain on those who have proven unworthy to be among us? We are getting ahead of ourselves. Even so, this perspective is perhaps worth keeping in mind as readers progress through this chapter and those to follow.

THE RISE OF THE “PENITENTIARY”

Those unfamiliar with the history of corrections might suspect that the idea that we should rehabilitate offenders is a modern invention, perhaps of the 1960s when social welfare programs were expanded and when liberal ideas, many of them advanced by secular humanists, shaped numerous governmental policies.

In actuality, however, a belief that a main purpose of corrections should be to save, and not merely punish, offenders extends to the first days of the American prison—back to the 1820s with the invention of the *penitentiary*.

Pause for a moment and think of the term reformers at this time chose for their invention: *penitentiary*. They might have called it a “house of pain,” a “justice institution,” or a “cage for criminals.” But they did not. Rather, the selection of penitentiary was purposeful. It represented the view that prisons might be more than conduits for inflicting retribution, terrorizing to deter, or restraining to incapacitate. Prisons might be settings in which offenders might be transformed morally. In fact, Alexis de Tocqueville, who traveled from France in 1831 to visit these new institutions and would later (1835 and 1840) author the famous book *Democracy in America* (1969), was aware that penitentiaries reflected a fresh way of thinking. Although not uncritical, Tocqueville (1844/1968) realized that without this nobler purpose of reform, the punishments imposed on offenders would never be civilized. If offenders were merely the objects of our anger and scorn, what would inhibit the natural inclination to seek vengeance and make criminals suffer?

Indeed, before this time, most offenders were either banished to another community or, if not sent away, were fined, whipped, placed in the pillory, or executed. Incarceration, to the extent it existed at all, was used only to detain offenders for trial or, if convicted, for punishment that would soon take place (e.g., hanging). Jails looked more like a regular house in which the offenders, the jailer, and the jailer’s family lived under the same roof.

What caused the people in the 1820s to switch to a radically different form of corrections that involved constructing high- and thick-walled prisons that were imbued with the mission of transforming law-breakers into law-abiders? Some scholars have suggested that prisons reflected the inevitable progress of civilization, of moving away from barbaric punishments—like the horror of the gallows and brutality of the whipping post—to an institution that did not physically disfigure offenders but instead sought to rescue them from crime. Although not without merit, this march-of-progress thesis does not explain why penitentiaries emerged in the early 19th century rather than, say, 50 years earlier or later.

In his classic work, *Discovery of the Asylum*, David Rothman (1971) offers a more creative account for both why prisons emerged when they did and why they were given the purpose of reforming the criminally wayward. He suggests that by the 1820s, the United States was making the transformation from the small, isolated communities of colonial America to a society in which communities were growing in size and in the diversity and transience of their residents. Enmeshed in this changing landscape, many Americans felt that their society was growing disorderly. Before, they had ascribed much crime and deviance to the sinfulness of individuals. Although not discarding this view fully, they supplemented it with the idea that the prevailing social chaos meant that people were not inculcated by the family and community with the moral fiber to resist the criminal temptations that had become rampant in society.

If social disorder was fueling crime, then the obvious solution was to take offenders out of this chaos and place them in an orderly environment—one much

like the communities that used to exist in colonial America several decades before. And once this cognitive leap was made, then the ostensible rationality of the “penitentiary” became undeniable. If orderly communities no longer existed, the challenge was to create a pure community in which to situate offenders. The penitentiary would serve this purpose. Its impenetrable walls would function to keep offenders within this community and symbolically, if not pragmatically, to keep the forces prevailing in the larger society at bay.

This community would be built on the traditional values of religious training, discipline, hard work, and immunity from criminal influences. Reformers argued, often bitterly, over how best to keep offenders from criminal influences in a community comprised mainly of other offenders. In Pennsylvania, reformers favored the “solitary system” of keeping inmates in solitary confinement within individual cells; in New York, reformers favored the “congregate system,” which allowed inmates to eat, work, and pray together but required total silence under the threat of whipping those who dared to talk with another offender. Regardless, these debates overshadowed the similarities of visions these reformers shared; the organizing principles of the prison were the same, even though the means of achieving these principles differed.

More importantly, however, the founders of the *penitentiary*—again, as this very word suggests—did not build prisons to scare offenders straight or to incapacitate them. Their reform was justified in nobler terms. They believed that if they could create the perfect daily regimen in the prison, this environment would have the power to transform the very moral character of inmates. The purpose of the penitentiary thus was to morally *reform* offenders.

We should note that some scholars believe that the motives of these reformers were more sinister or, in the least, more complex. One idea is that prisons were invented largely to control poor people (who, after all, inhabited penitentiaries) and to discipline them so that they could be more productive workers for the economic elites (after all, a well-behaved ex-offender was more useful than a banished, executed, or physically mangled offender). At the very least, this perspective cautions us that prisons would not have been embraced so readily if they were used to lock up rich folks or otherwise threatened the status quo.

Still, the motives of reformers—which were deeply rooted in Christianity and in the genuine belief that the penitentiary was far more humane than ravaging an offender’s body—should not be dismissed as irrelevant. This form of extreme reductionism would miss the point of the penitentiary: The people who invented the prison truly believed that it was capable of rehabilitating the wayward.

THE NEW PENOLOGY: THE CINCINNATI CONGRESS OF 1870

Thus, from the inception of the penitentiary, prisons and rehabilitation were seen as inextricably mixed. Again, an important reason for this link was the *religious nature of the penitentiary*. For reformers, Christianity fostered the dual views that offenders both can and should be saved from a life in crime. To relinquish this

optimism would be tantamount to condemning offenders to damnation on earth and in the afterlife. Again, this point is noteworthy because it suggests that the belief that a core function of prisons should be rehabilitation is woven deeply into the nation's cultural fabric. This belief in reforming offenders may become frayed at times, but it is durable enough to avoid becoming fully unraveled.

The aftermath of the Civil War was just such a period when the belief in rehabilitation might have been abandoned. The ideal of the orderly prison had fallen prey to the decision to crowd more and more offenders into institutions. More disquieting, the rise of social Darwinism made it comforting to attribute crime to the so-called dangerous classes, comprised mostly of immigrants, who were portrayed as biologically inferior and beyond redemption. Given this ideology, the temptation was strong simply to view prisons as convenient places to cage the innately wicked.

In the face of these daunting obstacles, however, prison reformers met in Cincinnati in 1870 at the National Congress on Penitentiary and Reformatory Discipline (Wines, 1870/1910). In their "Declaration of Principles," the Congress's members advanced a *new penology*, a blueprint for renovating American corrections. Reasserting Christian ideals, they argued that "the supreme aim of prison discipline is the reformation of criminals, not the infliction of vindictive suffering" (Wines, 1870/1910, p. 39). But if the orderly prison of the 1820s had proven to be a failure, what would work to reform offenders? The key, they argued, was that "the prisoner's destiny should be placed, measurably, in his own hands" (p. 39). And the means of accomplishing this goal was the *indeterminate sentence*.

In the past, prison terms had been determinate, which meant that offenders knew, at the time of sentencing by a judge, how much time they would serve behind bars. Given that even the most recalcitrant inmate would be released from prison when the sentence expired, where was the motivation for offenders to change? The indeterminate sentence, however, reversed this motivational calculus, because inmates could be retained in prison until they had been reformed. With freedom hanging in the balance, inmates would be inspired to change for the better. If not, they would remain incarcerated, and the safety of society would be ensured.

Many other features of the Congress's new penology were so forward looking that they would not be foreign to current-day penal discussions of correctional reform. Thus, the Congress favored the "progressive classification of prisoners"; the use of "rewards, more than punishments"; "special training" in order "to make a good prison or reformatory officer"; access to "education" and "industrial training"; and efforts to reintegrate offenders into society "by providing them with work and encouraging them to redeem their character and regain their lost position in society" (Wines, 1870/1910, pp. 39–45). Again, these recommendations were set forth as part of a plan to create prisons capable of reforming the wayward. The dangerous classes—the poor, the immigrant, the uneducated—were not to be warehoused or portrayed as beyond redemption. Rather, they were all God's children, and the mandate was to save them from a life in crime.

INDIVIDUALIZED TREATMENT: THE CORE OF THE REHABILITATIVE IDEAL

Pregnant in the Congress's set of principles was the conclusion that rehabilitation should be *individualized*. This idea of individualized treatment, however, was expressed more clearly and forcefully closer to the turn of the century—about three decades after the 1870 Cincinnati meeting. At this time, the Congress's new penology was being elaborated by the emerging insights from the nascent social sciences of psychology and sociology. These disciplines brought a secular perspective to the enterprise of reforming offenders. They suggested that it was possible to study the causes of crime scientifically. This new science would become known as *criminology*.

Now, criminology revealed that for any given offender, *the causes were likely to be multifaceted and found in a unique combination*. Two people might commit the same crime—for example, robbery—but the reasons for their acts could be widely divergent (e.g., emotional problems as opposed to the exposure to gang influences). Once this premise was accepted, it led logically to the conclusion that successful rehabilitation depended on treating offenders on a *case-by-case basis*. A single treatment would not fit all law-breakers because, again, they were all different. Instead, interventions had to be *individualized* (Rothman, 1980).

Once the philosophy of individualized treatment or rehabilitation was embraced, it led directly to a *theory of how the correctional system should be organized*. What kind of system should be set up to deliver individualized rehabilitation? Several components were fundamental to this *theory of corrections*:

- Above all, individualization required that criminal justice officials have the *discretion* to fit correctional interventions to the *offender* and not base them on the offense.
- *Indeterminate sentencing*, of course, was essential because it meant that inmates would be released from prison only when they had been cured of their criminal propensities.
- To determine who should be released and when, a *parole board* would be necessary. The idea of parole in turn mandated that released offenders be supervised in the community by *parole officers* whose task it was to counsel parolees and, when necessary, to return offenders to prison who failed to go straight.
- Reformers, however, also argued that incarceration was not the appropriate intervention for all law-breakers; many could be rehabilitated in the community. This belief led to the creation of *probation*, a practice in which *probation officers* would both help and police offenders released to their supervision. These officers, moreover, would assist judges in deciding who to imprison and who to place in the community by amassing information on each offender. This portrait was compiled in a “pre-sentence report” that would detail not just the offender's criminal history but also his or her employment record, family background, and personal characteristics.

- Because juveniles differed from adults, it also made sense to create a separate *juvenile court*. This special court most fully embodied the ideals of individualized treatment. Wayward youths were not to be punished by the state, but rather “saved from a life in crime.” The court would act as a kindly parent who would, in essence, step in and help not only youths already involved in illegal acts but also those at risk for a criminal life. The jurisdiction of the juvenile court thus was not limited to youths who had committed a crime. Instead, the court claimed jurisdiction over youths who engaged in deviant acts seen as precursors to crime (i.e., status offenses such as truancy, running away from home, and sexual promiscuity) and over those who were neglected or abused by their parents.

The paradigm of individualized treatment offered a persuasive rationale for reform. *This proposal offered to improve the lives of offenders and to protect society* by curing criminals who could be cured and by locking up those whose criminality proved intractable. Science and religion, moreover, meshed together to suggest that offenders could be transformed and that mere vengeance would be counterproductive.

But in advancing a seemingly enlightened correctional agenda, advocates remained blind to *two* potential dangers of individualized treatment. First, they assumed that judges and correctional officials would have the expertise to administer this new system—such as knowing what caused an individual’s criminality and knowing what intervention would work to effect the offender’s reform. Second, they assumed that the officials’ discretion would be exercised to advance the cause of rehabilitation. They did not consider that the *unfettered discretion* given to judges and officials might be abused or used mainly to *control, not help*, offenders. These problems would later play a role in undermining the legitimacy of individualized treatment, but for the moment they either did not come to mind or were dismissed as nay-saying. We will return to these issues shortly.

THE PROGRESSIVE ERA: THEORY INTO REALITY

Persuasive theoretical paradigms do *not* always translate into concrete policy reforms. By 1900, however, the United States had entered the Progressive Era, which came to be called the “age of reform” because of the diverse social and governmental reforms undertaken in this time span. Critically important, there was a firm belief that the *state could be trusted to help solve a range of social problems—including crime!* In the area of corrections, this meant that the state could be trusted to work on behalf of offenders to ensure their rehabilitation. Concretely, this involved giving judges and correctional officials virtually *unfettered discretion* in making decisions about offenders’ lives (e.g., who goes to prison, when an inmate is released from prison).

In any event, at this particularly receptive historical juncture of the Progressive Era, the new penology ideas—ideas that had been embellished since the Cincinnati Congress—presented a clear blueprint for renovating the correctional system. *The*

time was ripe for individualized treatment to be implemented. During the Progressive Era, which lasted the first two decades of the 20th century, the power of this ideal transformed the nature of corrections.

As is well known, the first juvenile court was initiated in 1899 in Cook County, Illinois, home of Chicago (Platt, 1969). Two decades or so later, all but three states had a special court for hearing juvenile cases, and every state permitted probation for youths. Similarly, during this time period, two thirds of the states had begun probation and 44 states had initiated parole for adults. Meanwhile, in little over 20 years, the number of states that allowed indeterminate sentencing had risen from 5 to 37 (Rothman, 1980).

These changes were rapid and remarkable. The rehabilitative ideal would hold sway over corrections in the United States into the early 1970s. This is not to say that observers were blind to how infrequently this ideal was achieved in reality. The resources and the criminological knowledge to achieve this ambitious project of reforming offenders typically were lacking. Still, each generation of reformers—acknowledging the failures of the previous generation—did not cast doubt on the *possibility* of rehabilitating offenders if only enough funding and the “right” treatment program were used.

THE RISE OF CORRECTIONS

This continuing commitment to rehabilitation was reflected in reforms that occurred in the period that spanned, roughly, the 1950s to the late 1960s. During this time, prisons were relabeled *correctional institutions*, with the name *corrections* suggesting that the core task of working with offenders was to change or *correct* them. Again, what we call things makes a difference, because words often capture our unspoken beliefs.

Corresponding to this new vocabulary, a range of treatment programs was introduced into institutions. These included, for example, individual and group counseling, therapeutic milieus, behavioral modification, vocational training, work release, furloughs, and college education. New and more sophisticated systems to *classify* inmates as to their treatment needs were also implemented. Especially in the 1960s, *community corrections* became fashionable, as a movement emerged to *reintegrate* inmates into society through halfway houses and other community-based treatment programs. Reflecting the tenor of the times, the Task Force on Corrections (1967), part of a presidential commission studying the nation's crime problem, asserted that the “ultimate goal of corrections under any theory is to make the community safer by reducing the incidence of crime. Rehabilitation of offenders to prevent their return to crime is in general the most promising way to achieve this end” (p. 16).

These were optimistic times and using American know-how to rehabilitate offenders did not seem far-fetched. Within a few short years, however, this confidence would collapse and the very legitimacy of the rehabilitative ideal would be called into question.

Attacking Rehabilitation

The apparent invincibility of rehabilitation as the dominant correctional philosophy was shattered in less than a decade. Treatment programs did not suddenly disappear, and faith in rehabilitation did not vanish. Even so, a sea change in thinking occurred seemingly overnight and policy changes followed close behind. Suddenly, it became fashionable to be against *state enforced therapy* (Kittrie, 1971; more broadly, see Cullen & Gilbert, 1982).

Beginning in the mid-1970s, states began to question indeterminate sentencing and to call for sentencing in which judicial and parole board discretion was eliminated or, at the least, curtailed. About 30 states still retain some form of indeterminate sentencing, but this is down from a time when every state had this practice (Tonry, 1999). Further, over the last quarter of the 20th century, every state passed mandatory sentences, truth-in-sentencing laws, three-strikes-and-you're-out laws, or similar legislation aimed at deterring and/or incapacitating law-breakers (Tonry, 2013). Meanwhile, state and federal prison populations ballooned from 200,000 in the early 1970s to eventually surpass more than 1.6 million (and to more than 2.4 million, counting offenders in other custodial institutions, such as local jails) (Sabol, West, & Cooper, 2009). Within the community, the treatment paradigm was challenged by programs that sought not to correct and reintegrate offenders but to *intensively supervise, electronically monitor*, or otherwise control them. Even the juvenile justice system did not escape the diminished confidence in rehabilitation. By the end of the 1990s, 17 states had changed the legal purpose of the juvenile court to de-emphasize rehabilitation, and virtually all states had passed laws to make their juvenile justice systems harsher (more generally, see Feld, 1999).

As noted previously, major shifts in correctional thinking are usually a product of changes in the larger society that prompt citizens to reconsider beliefs they had not previously questioned. The mid-1960s to the mid-1970s was a decade of enormous social turbulence and, in turn, thinking about many things changed. This period was marked by the Civil Rights Movement, urban riots, the Vietnam War and accompanying protests, the shootings at Kent State and Attica, Watergate and related political scandals, and escalating crime rates. In this *social context*, as the central state agency for controlling crime and disorder, the criminal justice system (including its correctional component) came under careful scrutiny. It was often seen as part of the problem—as doing too much, too little, or the wrong thing.

For conservatives, the reigning chaos in society was an occasion to call for *law and order*. To them, it was apparent that the correctional system was teaching that crime pays. Under the guise of rehabilitation, criminals were being coddled: Judges were putting dangerous offenders on probation, and parole boards were releasing predators prematurely from prison. *Rehabilitation was being blamed by conservatives for allowing the victimization of innocent citizens*. Thus, we needed to toughen sentences—make them longer and determinate—in order to deter the calculators and incapacitate the wicked (Cullen & Gilbert, 1982).

For liberals, however, rehabilitation was not the source of leniency but of *injustice and coercion*. The prevailing events contained the important lesson that *government*

officials could not be trusted—whether that was to advance civil rights, to be truthful about why the nation was at war, to act with integrity while in political office, or to rehabilitate the wayward. This issue of *trusting the state* was critical because the reforms of the Progressive Era were based on the very assumption that the *state could be trusted to do good!* This is why correctional officials were given so much discretion to intervene in the lives of juveniles, in the lives of offenders on probation, and in the lives of inmates in prison and seeking parole.

In this context of the late 1960s and 1970s—with protest and conflict prevailing—trust in the state was hard to sustain. Indeed, judges and correctional officials were redefined as “state agents of social control” whose motives were suspect. Thus, judges were now portrayed as purveyors of unequal justice, using their discretion not to wisely individualize treatments but to hand out harsher sentences to poor and minority defendants. Similarly, correctional officials were accused of using the threat of indeterminate incarceration not to achieve the noble goal of offender reform but to compel offenders to comply obediently with institutional rules that had little to do with their treatment; maintaining prison order thus displaced rehabilitation as the real goal of indeterminate terms.

In short, *liberals believed that rehabilitation—and the discretion it gave to state officials—resulted in the victimization of offenders.* In the liberal critics’ minds, it was time to forfeit rehabilitation and embrace a *justice model* that would limit incarceration to *short sentences* and would grant offenders an array of legal rights to protect them against the ugly power of the state. Notions of *doing good* were relinquished and replaced with the hope of creating a correctional system that would *do no harm* (Cullen & Gilbert, 1982). We will return to a more detailed discussion of the justice model in Chapter 3 where the theory of just deserts is reviewed.

Thus, both liberals and conservatives opposed rehabilitation, albeit for different reasons: conservatives because they thought it victimized society, and liberals because they thought it victimized offenders. These two groups also agreed that the discretion of correctional officials should be limited and determinacy in sentencing implemented. They both embraced the punishment of offenders. They parted company, however, on how harsh those sanctions should be, with conservatives wanting *long prison sentences* and liberals wanting *short prison sentences*. Given the get tough policies that have reigned in recent times, it is clear that the conservative alternative to rehabilitation prevailed most often and in most jurisdictions.

The “Nothing Works” Doctrine: Martinson and Beyond

The story about the attack on rehabilitation has one additional chapter to be told. In 1974, Robert Martinson published an essay in which he reviewed 231 studies evaluating the effectiveness of correctional treatment programs between 1945 and 1967. Based on this assessment, Martinson (1974) concluded that, “*With few and isolated exceptions, the rehabilitative efforts that have been reported so far have had no appreciable effect on recidivism*” (p. 25, emphasis in the original).

This rather technical conclusion might have been open to different interpretations—for example, that treatment programs were being implemented incorrectly or that inappropriate interventions were being used. But Martinson (1974) then proceeded to ask a more provocative question: “*Do all of these studies lead irrevocably to the conclusion that nothing works, that we haven’t the faintest clue about how to rehabilitate offenders and reduce recidivism?*” (p. 48, emphasis in the original). He stopped short of claiming that “nothing works,” but it was clear that “nothing works” was the message he was conveying.

Few scholarly studies, however, are without their limitations, and Martinson’s work was no exception. Only about 80 of the studies he reviewed—not 231 as is commonly believed—actually examined the impact of treatment interventions on recidivism (some studies did not measure “treatment”—e.g., they measured simply being on probation—and others did not have measures of recidivism). About half of the studies reviewed, moreover, showed that the intervention actually reduced recidivism (Palmer, 1975). Further, his research covered only those evaluation studies undertaken between 1945 and 1967. But subsequent reviews of more recent literature—including one by Martinson (in 1979) himself—suggested that many programs do, in fact, “work” to lower the risk of offenders returning to crime.

It is instructive, however, that Martinson’s (1974) nothing works idea was accorded spectacular credibility whereas evidence favoring rehabilitation’s effectiveness—including, again, his own essay published but five years later—was virtually ignored. More broadly, after 150 years of the rehabilitative ideal being a dominant correctional theory, why would this approach be forfeited in the face of a single study?

After all, very little that is done in criminal justice in general and in corrections in particular is based on officials carefully weighing research evidence. As suggested previously, more often than not, correctional policies and practices are rooted in custom and common sense, and the existing “empirical evidence” is scarcely consulted. These observations suggest that Martinson’s study was accepted as unassailable truth not because it told people something new but rather *because it told them something they wanted to hear—indeed, something that they already “knew to be true”*: *Rehabilitation didn’t work* (see also Gottfredson, 1979).

Again, by the early 1970s, the United States was in the midst of a period of sustained turmoil. The previous decade had seen civil rights marches, riots in the streets, protests over the Vietnam War, the Watergate scandal, rising crime rates, and the Attica prison riot in which guards and inmates alike were shot down when law enforcement officials stormed the institution. Much as the disorder of the 1820s had led Americans to rethink how they responded to crime and to create the penitentiary, the disorder of this period caused people to rethink many issues, including the nature of the correctional system. As the main justification for this system, the rehabilitative ideal was the obvious focal point of attack. Martinson’s study added fuel to the fire, so to speak. For those already doubting correctional treatment, it provided “proof” that “nothing works.” In short, given the tenor of the times—given the prevailing social context—people were ready to hear Martinson’s nothing works message and unprepared to question empirical findings that reinforced what they already believed. With scientific findings on their side, they now could declare that “rehabilitation was dead.”