Counterplan: Agents of the CJS ought to issue and abide by a mission statement declaring the intention of prison to be confinement, not rehab.

The counter-plan solves the whole aff. We can provide treatment for retributive reasons as part of humane punishment without intending rehab.

**Logan and Gaes 93** write[[1]](#footnote-1)

Another way to preserve **treatment programs** for prisoners would be to justify them on grounds that would be relevant even if rehabilitation were not an official goal of the system. Many programs currently offered in prisons **could be separated from the** context and **vocab**ulary **of** "**rehab**ilitation," **and** could be **justified instead in the context** and with the vocabulary **of "confinement." Despite a decline in official endorsement of** the **rehab**ilitative ideal, **many** corrections **officials** continue to **endorse programs because of their normalizing effect on the prison environment**, not because they believe in effecting a change in the inmates. In addition, many corrections officials endorse the view that some programs work for some inmates in the sense that those who want to change should receive the opportunity to change. Both of these goals— time spent constructively and the opportunity to acquire skills— still can be pursued without the baggage of the rehabilitative ideal. John DiIulio (1991:114) notes that most prison and jail administrators view correctional programs from what he calls an "institutional perspective." That is, they "evaluate programs not mainly in terms of what they do to reduce the likelihood of recidivism or otherwise affect inmates' post-release behavior but as institutional management tools.” DiIulio also suggests that **programs can be defended** in less utilitarian terms **simply as part of** what we mean by **humane conditions of confinement.** A "confinement model" of imprisonment (Logan 1991: ch. 1) would be a follow-up to the "justice model" of sentencing. The confinement model, like the justice model, is based on a purely retributive philosophy of punishment. In this philosophy, the essential purpose of imprisonment is to punish offenders–fairly and justly–through lengths of confinement proportionate to the seriousness of their crimes. Although confinement may serve other purposes in addition to justice and punishment, those are the necessary and sufficient conditions for justifying it. Thus the term confinement model may be regarded as a shorthand for a clumsier but more explicit label: the doing-justice-through-confinement-as-a-form-of-punishment model. **Under the confinement model, offenders are sent to prison as punishment, not for punishment. Thus, prisons** operated on this model **need not be harsh or internally punitive**, nor would they be insensitive to the welfare of prisoners. Coercive confinement carries an obligation to meet prisoners' basic needs at a reasonable standard of decency, so measures of health care, safety, sanitation, nutrition, and other aspects of basic living conditions are relevant. Furthermore, confinement must meet constitutional standards of fairness and due process, so not only effectiveness and efficiency, but also the procedural justice with which confinement is imposed, are important. In addition–and most relevant to this discussion–programmatic **activities** such as education, recreation, and work **can be viewed as part of the conditions of confinement, regardless of** their alleged effects on **rehab**ilitation. In short, confinement is much more than merely warehousing.

**Here is a mission statement for** a prison under **the confinement model: “The mission** of a prison **is to keep prisoners**–to keep them in, keep them safe, keep them in line, keep them healthy, and keep them busy–and to do it with fairness, **without undue suffering,** and as efficiently as possible.” Many inmate **programs** currently offered in prisons–such as work, training, education, and recreation-**can be justified under the heading of** constructive activity (**"keep them busy"**). "Constructive" activity is not defined here as "contributing to the betterment of inmates" but as activity that is, on its face, consistent with the orderly, safe, secure, and humane operation of a prison. Idleness and boredom can be viewed as wrong from a work ethic standpoint, or as unnatural because human beings are not meant to be idle, or as so fundamentally related to mischief as to be undesirable for that reason. In any case, prison programs can be defended as forms of constructive and meaningful activity and as antidotes to idleness, without invoking claims of rehabilitative effectiveness. This is not to say that it does not matter whether the programs have any rehabilitative effects; it would be fine if they did so. But when we say that the primary purpose of prison is to punish through confinement, we become more interested in the operation of these programs inside the prison gates and less concerned about their effects beyond. It is the duty of prisons to govern fairly and well within their own walls. It is not their duty to reform, rehabilitate, or reintegrate offenders into society. Though they may attempt these things, it is not their duty even to attempt these goals, let alone their obligation to achieve them. **Prisons ought not to impose upon themselves, by inclusion in a mission statement, any responsibility for inmates' future conduct**, welfare, or social adjustment. These are primarily the responsibility of the offenders themselves, and perhaps secondarily a concern of some others outside the justice system. They should not be declared the official business of prisons.

1. CHARLES H. LOGAN (University of Connecticut) and GERALD G. GAES (Federal Bureau of Prisons). META-ANALYSIS AND THE REHABILITATION OF PUNISHMENT. JUSTICE QUARTERLY, Vol. 10 No. 2, June 1993. <http://www.bop.gov/news/research_projects/published_reports/cond_envir/oreprlogangaes.pdf> [↑](#footnote-ref-1)