4 Punishment by Physical Constraints

Violence and insensitivity have been reinforced throughout most of human history, especially in men. Isn’t it time that we began to counteract cruelty, xenophobia, war, and genocide with lessons in empathy and critical thinking?

(Miedzian, 1992, p. 166)

INTRODUCTION

The tendency of professionals in the human services to rationalise the use of physical constraints in the interests of therapy or good order and discipline makes it almost impossible to segregate such punishments from aspects of treatment or control. It is difficult also, given the segregation of knowledges – notably the compartmentalisation of discussions about criminal justice from, say, punishment in the home – to contextualise consideration of punitive physical constraints in a critique of the dominant macho culture of masculinity which pervades the field. The quotation at the start of this chapter puts down a marker, which is elaborated in the illustrations which follow.

This chapter deals with restraints or constraints including traditional constraints, curbs on meeting basic needs, body searching, bodily restraints such as leg-irons and chains, and methods such as gas to incapacitate people; it also discusses the punitive use of drugs, and the use of electric shocks in behavioural programmes; finally, it considers some ethical issues which arise in the application of these forms of punishment.

There is an overlap between the wide range of circumstances in which restraints are used and their specific use as means of punishment. The use of physical constraints as punishments imposes indirect physical hurt on people, that is, other than by hitting them. Physical constraints are likely to have a psychological as well as physical impact on people. The boundaries between psychological punishment, physical punishment and corporal punishment are debatable, but however imperfectly delineated, they differ significantly. There is a degree of overlap also between this chapter and Chapter 3, in that many punishments have both physical and psychological aspects which impact on people.
VARIETIES OF PUNISHMENT BY PHYSICAL CONSTRAINTS

Physical means have been used to punish people for many years. Their use is most commonly associated with custodial settings in the penal system. They are characteristic rather than exceptional features of penal systems, past and present, throughout the world. A continuum exists from the more mild varieties such as requiring prisoners to wear similar clothes, or ‘prison uniform’ – to the more severe – such as using chains or irons to restrict people’s movements. However, the lack of literature on the less dramatic forms – often indirect rather than involving inflicting direct blows on a person – obscures this issue rather than indicating there is no problem. Physical restraints are used in many other circumstances as an informal means of punishment, as in the locking of children in a room by their parents, or through the tying of small children into baby seats in a nursery. In some circumstances such as where psychologists and psychiatrists converge with social workers and others to undertake behavioural work, professional ideologies actually support and justify punitive activity.

Physical constraints imposed by staff in a total institution such as a prison may lead to a range of intensities of denial of human rights to freedom and choice. The denial of a person’s humanity occurs on a lesser scale, but may be experienced as no less real, in other institutions with a custodial dimension. The pupil in the novel *Kes* is portrayed by the novelist as reasonable in his rebellion. His humanity and sensitivity in befriending and training a kestrel are counterpointed by the uncouthness and oppressive victimisation of some teachers in the school (Hines, 1976).

It would be impossible to give comprehensive coverage to the full range of punishments which fall within the scope of this chapter. The following are dealt with here: traditional constraints, curbs on meeting basic needs, body searching, bodily restraints, incapacitation, use of drugs, use of electric shocks and torture.

**Traditional Constraints**

The range of traditional constraints includes such methods as the stocks and various head cages and bridles, all of which involve restricting movement of the head and neck and are likely to cause great pain and distress. The stocks were an ancient form of punishment involving pinioning the legs and arms of the offender in heavy wooden cuffs, which were often located in the middle of villages and which remained in use until the latter half of the nineteen century. The Bethlehem Royal hospital, or Bedlam, in London charged a fee of 1d up to 1770 for visitors to view the ‘lunatics’.