

In November of 1995 Florida followed the lead of Alabama and Arizona in bringing back chain gangs, the practice of putting prison inmates in leg irons to work on road sides under armed guard. Unlike in Alabama, and Arizona, however, Florida inmates will be shackled individually, rather than in groups of five. They will be assigned eight hour- shifts in cleaning projects, such as removing sludge or clearing land for farming. Each squad of up to thirty workers will be supervised by three armed correction officials. The inmates will be provided latrines, hot meals, and protection to prevent chafing from the leg irons. The American Civil Liberties Union is considering legal action to have chain gangs declared an unconstitutional form of cruel and unusual punishment. Charles Crist, a Republican State legislator, who sponsored the legislation bringing back chain gangs, which Florida had abandoned in the 1940's, said, "the idea is not to be cruel but to have an appropriate punishment that serves as a deterrent."

Is Florida's decision to bring back the practice of prison chain gangs at this time morally justifiable? If so, why? If not, why not?

MODERATOR'S ANSWER: The decision of Florida to bring back chain gangs is morally unjustifiable. The practice, as contemplated by Florida, will not be obviously inhumane in terms of its physical impact upon prisoners. Nonetheless, the symbolism of convicts in chains, many of whom are African Americans, publicly at work in forced labor, is so deeply divisive and embittering from a social standpoint, that it would seem one could only justify bringing back chain gangs if there was clear and convincing reason to believe it will have a substantial deterrent effect upon the commission of violent crimes. This is not the case. At most, all one can say in this connection is that it may have some deterrent effect, and that apparently many people like the idea. This isn't enough, however, to justify the measure, given its symbolic negative impact.

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