

Appendix II: Stern's Generalisations About Prisons¹

Note: This is a reconstruction from Vivien Stern's powerful book *A Sin Against the Future: Imprisonment in the World* (1998) of a number of generalisations about prisons and prisons worldwide. This was part of a case-study of the extent to which discourse about prisons 'travels well' (Twining (2005b), discussed in Chapter 2.3). It is suggested that, unlike generalisations about lawyers, legal education, and corruption and many other legal phenomena, these propositions present relatively few conceptual difficulties despite the diversity of prison regimes, policies and practices. With the aid of a few stipulative definitions, these propositions could be converted into testable empirical hypotheses or, with some refinement, be used as the basis for reasonably meaningful global statistics.

Examples of global patterns

'Rio de Janeiro, Bishkek, Harare and Brixton are miles apart, separated by geographical distance, culture and history, yet prisoners and prison staff from any of the four would instantly recognize the activity going on in the other three. They would know at once the rules of survival. ... They would recognize the buildings from the outside and at a distance as prisons ... the prison smell ... the problems caused by bodily functions ... the 'boss-man' of the room.

Some things are not the same ... Yet in spite of the differences, it is the sameness of imprisonment that stands out, the features that are common across countries and cultures, irrespective of the level of economic development or form of government' (pp.5-7).

- About nineteen out of twenty prisoners will be male, mostly young men (p. 7).
- 'A large proportion of the world's prisoners are in prison for stealing and breaking into houses' (p.8).
- Madness, suicides, drug addiction, mortality rates are above the national average.
- 'Developing countries all have imprisonment as the cornerstone of their penal systems, even though it makes less sense than it does in the rich world' (p. 12).

¹ Reconstructed from Vivien Stern, *A Sin Against the Future: Imprisonment in the World* (1998)

- There are great variations between countries in imprisonment rates (pp. 29–31). The use of imprisonment is high and rising throughout the world (p. 11). Imprisonment and fines are the main punishment.
- 'Nearly all women to be found in prisons around the world are poor, exploited and abused' (p. 7).
- Prisons contain disproportionate numbers of minorities and/or foreigners and persons from poor, violent or deprived backgrounds.
- Illegal drugs have a disproportionate effect on prison numbers, and prison life. A high proportion of prisoners are there for drug-related offences. More drug addicts are created by the prison environment. However, beliefs about the scale of drug addiction in prisons is not borne out by research (US and Sweden) (pp. 121–2).
- 'Prisons are, of necessity, rule-bound' (p. 194).
- In many countries the status and morale of most prison staff are low (p.130).
- Prisoners' codes tend towards immediate gratification.
- Most surveys show that people consistently underestimate the severity of sentencing (pp. 313–14).

Normative generalisation (for those in prison) (Ch. 10)

- Observe the basic principles underlying the SMR.
- 'Men come to prison *as* a punishment, not *for* punishment'. (p. 197)
- Give prisoners the same legal protections as other citizens.
- Respect the dignity and humanity of prisoners.

Gloomy prognostications

- It is impossible to train people for freedom in conditions of captivity (p. xvi).
- Semble: nearly all efforts at rehabilitation have failed in the long run (p. 198).
- There is no such thing as a good prison (p. 248).
- Prison reform reports 'say more or less the same thing and normally they are not implemented' (p. 254).
- Around the world the prison-industrial complex will increase pressure for 'barbed wire, prefabricated cells, and electronic door-locking equipment' (p. 301).

Prescriptions

- Reduce the use of prison to a minimum.
- '[T]wo fundamental and deeply reasonable requirements, first a recognition of the harm suffered by the victim, and secondly protection from violence and abuse, might form the basis for a new set of purposes for dealing with criminal acts' (p. 336).