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Prisons and Jails, Criminology of

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Penal institutions as a principle method of punishment of criminal activity date to the beginning of the nineteenth century. In that era, people considered that imprisonment was a rational way to implement the classical penal philosophy of proportionality, in that the time served related to the severity of the crime. However, skepticism about the results of the new Philadelphia and Pennsylvania correctional systems in the United States had already emerged toward the end of the nineteenth century. Some argued that this form of isolation, causing mental diseases, was the greatest penological mistake of the century.

Use of Imprisonment and Its Alternatives

Scandinavian correctional statistics demonstrate that the number of persons imprisoned at the beginning of the nineteenth century started around 70 per 100,000 inhabitants. This ratio rose to approximately 180 in the middle of that century, only to drop to approximately 60 at the end of the century, where it stayed in Sweden, Denmark, and Norway for the major part of the twentieth century.

Criminologists have examined the high recidivism rates after imprisonment and developed explanations for the sudden decrease from the 1850s to the end of the nineteenth century. Inspired by American and British initiatives, officials and courts implemented correctional alternatives such as conditional sentences and probation and successively enlarged the scope of their [p. 1175 ↓] use. Nordic penal groups declared that imprisonment should be a last resort and that sentences should be as short as possible.

In Sweden in the 1930s, the courts did not imprison those who defaulted on their fine payments, eliminating about ten thousand prisoners in a decade. In addition, the government introduced a day-fine system that considered the economic situation of the offender. As a result, officials used the number of fines to track the severity of the crime, but related the amount of each fine to the income and financial situation of the offender. Other European penal systems are now slowly incorporating this approach into their systems.

Many countries still do not utilize traditional penalties such as conditional sentences and probation, nor do they have the more modern sanctions, such as community service or electronic surveillance. Moreover, most European countries have not or have only slightly institutionalized restorative justice as practiced in the United States as an alternative to sentencing and other sanctions. It may be that it is easier to introduce such methods in a common law system than in a codified civil law system.

Ulla Bondeson has studied statistics from the United Nations and the Council of Europe to document the great variation in sentencing practices. In addition, pretrial detention rates similarly show great variation among countries. Roy Walmsley noted that recent figures of global incarceration indicate that penal institutions hold more than 8.75 million people, either as pretrial detainees (remanded prisoners) or as convicted and sentenced prisoners. The prison population rate is approximately 140 per one hundred thousand citizens worldwide, or one out of every seven hundred persons. Looking only at certain age categories and only at men, of course, the figure becomes much higher.

The United States has the highest prison population rate in the world with 680 per one hundred thousand, with about two million people in penal institutions (in 2002). The Russian Federation also has a figure of more than six hundred, and some former republics of the Soviet Union rank near the top. Often, the lowest rates are in small countries with large populations; for example, India and Indonesia have low rates of 28 and 29 per one hundred thousand people, respectively.

Even within regions, the rates vary greatly. For example, in Europe the median rates for central and eastern European countries are more than three times that of southern Europe. In Africa, the median rate for southern African countries is more than seven times that for central and west Africa.

Prison populations grew in most parts of the world in the 1990s and at a relatively consistent rate in all parts of the world. Nevertheless, officials have measured decreases in almost one-third of the countries; generally, however, these decreases have been smaller than the increases in the other countries. One interesting example of a drastic decrease is in Finland, a country that previously distinguished itself by having a much higher imprisonment rate than the other Nordic countries, but where correctional

and political elites together decided to reduce them radically and succeeded in doing so sharply and continuously over the last two decades of the twentieth century.

Incarceration rates are highly influenced by the length of the sentences. The distribution of convicted prisoners by length of sentence shows great variation within European countries. For example, Norway convicts more than half of its prisoners for fewer than six months, while countries such as Latvia, Lithuania, and Moldova do not sentence for such a short period. In Denmark and Switzerland, more than three-quarters of the prison sentences are shorter than three months, although in the Baltic countries almost all sentences are for one year or more. André Kuhn demonstrated how, if one wants to reduce the prisoner rate, it is more important to find means to reduce the average length of prison terms than to reduce the number of admissions.

Generally, imprisonment rates do not seem to be related to a country's developmental profile. Ugljesa Zvekic and Hiroyuki Shinkai analyzed statistical data for the total incarceration rate per one hundred thousand population; they found that there is no meaningful association of incarceration rates with industrial development, human development, or gross national product per capita of countries. With the comparison restricted to convicted prisoners, there is a moderately significant relation to the developmental stage, in that industrialized countries tend to incarcerate more sentenced prisoners than developing countries.

[p. 1176 ↓]

Although the state means to reserve imprisonment for serious criminals, courts still convict and incarcerate the great majority of prisoners for ordinary theft in most European countries. The second largest category of incarceration appears to be the drug-related crimes. Even disregarding theft, the prison populations are always overrepresented with socioeconomically disadvantaged groups. In most countries, there is also an overrepresentation of foreigners in prisons. In countries such as Switzerland and Luxembourg, they amount to a little more than half the prison population. Foreign prisoners naturally present special problems regarding language, religion, food, and so on.

Women fare better than men in regard to imprisonment rates, but the criminal justice system seems to also provide a degree of positive discrimination. Usually, women account for less than 5 percent of the prison population reflecting, naturally, a lower crime rate. However, a successive diminishing rate of women in the criminal justice system in all European countries reveals not only different types of crime but also their different treatment. There are systematically decreasing rates in the categories of suspect to prosecuted, convicted, and finally being in prison.

Prison rates and their increase seem to vary independently of crime rates. The United States has witnessed strongly increasing incarceration rates at the same time that crime has been stable or even decreasing. The Fifth UN Crime and Justice Survey partially confirms the ad hoc level of incarceration rates by nonsignificant associations between volume of sentencing and crime rates; this holds true for each type of punishment. Hence, increasing criminality does not appear to be the explanation for the growth trends in incarceration. Some scholars have given other reasons, such as an increased fear of crime, a loss of confidence in the criminal justice system, disillusionment with positive treatment measures, and the strength of the retributive philosophies of punishment.

Attitudes toward punishment, that is, subjective punitivity, has been operationalized within the International Victimization Surveys. Surveyers asked people in 1996 and 1997 in 60 countries what sentence they would prefer to give to a 21-year-old burglar recidivist. Of the one hundred thirty thousand persons interviewed, slightly more than four in ten chose imprisonment as the most appropriate sentence—ranging from 28 percent in western Europe to threequarters in Asia and Africa. However, also within Europe the variations are great, ranging from 59 percent in Northern Ireland and 50 percent in the United Kingdom to only 2 percent in Switzerland. Imprisonment is the most favored sentence in the United States and Canada. Thus, it appears that the Anglo-Saxon countries are more prison-centric than are other industrialized countries.

The media sometimes create so-called moral panics resulting from an isolated dramatic criminal event. With police and politicians collaborating with the media, this can result in the public demanding a more repressive criminal policy. Then there is a risk that temporary changes using a more punitive policy will become permanent. Many state that there is an increase in the public's fear of crime. Again, crime rates need not

correspond to fear of crime. For example, the Scandinavian countries have the same levels of crime as other European countries, still the levels of fear of crime are much lower and do not seem to be increasing.

Impact of Imprisonment

Comparative and longitudinal studies of all types of correctional institutions in Sweden demonstrate that despite the official treatment philosophy, the negative impact of institutionalization was far greater than any possible positive impact. Inmates in all institutions—young and adult, male and female—underwent social processes of criminal socialization. Prisonization processes increased with time spent in the institution. Criminal subcultures emerged in all institutions where the inmate leaders were those who had served most time and had the greatest criminal experiences. In addition, inmates became nervous, depressed, defeatist, and stigmatized. Illegal drug use was prevalent in all institutions. With a ten-year follow-up period, recidivism rates were high—totaling four out of five who relapsed into new serious crimes, although the majority committed their first crime after release within six months. In addition, prisonization proved to have transformed the individuals involved; a survival analysis causally related imprisonment to recidivism. The effect of the correctional treatment was thus negative as it relates to [p. 1177 ↓] crime prevention—the opposite of the official intention of positive individual prevention. One should bear in mind that scholars carried out these studies in a correctional system that is usually characterized as one of the most progressive in the world. Various treatment resources are available, although one can always argue that they were not sufficient.

Compared to Sweden, in most other countries the prisons are much bigger, the staff-inmate ratio much smaller, the work and educational facilities as well as medical and psychological facilities of smaller magnitude. There are often additional problems of violence among prisoners and violence of prisoners toward the staff. More recently, HIV/AIDS has added to the problems. Since prisons are extremely costly to run, it may seem that only welfare states can afford to manage them in a humane and decent way.

With the growth of prison populations, there is, furthermore, the problem of overcrowding. Overcrowded prisons are a breach of United Nations and other

international standards that require that states treat prisoners with respect to their inherent dignity. With overcrowding follows naturally restricted living space, poor conditions of hygiene, poor sanitation arrangements, less time for outdoor activities, and so on. This results in more violence outwardly but also inwardly in form of self-injury and suicide.

Research does not show much support either for the treatment philosophy or for the deterrence theory of punishment. Incapacitation as a practice would require immense resources that the public would not accept to pay for. In addition, one should remember CharlesLouis de Montesquieu's (1689–1755) dictum that liberty “is in perfection when criminal laws derive each punishment from the particular nature of the crime” (*Spirit of Laws*: book 12, chap. 4).

To conclude, perhaps the message of Scandinavian criminologists can be exported to the rest of the world to try to make criminal justice policy more rational and humane:

- Imprisonment should be used as a last resort and as little as possible.
- The sentences of imprisonment should be as short as possible.
- There should be less use of pretrial detention and then only when special criteria are met.
- Investigation periods should be shorter and closely regulated.
- The pretrial and prison facilities should live up to United Nations minimum standards.
- There should be extensive use of parole or other early release procedures.
- There should be implementation of as many alternatives to imprisonment as possible, including conditional sentences, probation, community service, and electronic surveillance.
- A normalization principle should be introduced, having as many open prisons as possible to facilitate reintegration of the offender into the community.
- When legislation or other circumstances hinder the above measures, amnesty for offenders at the end of sentences can be a useful instrument.
- Restorative justice, instead of court proceedings and traditional penalties, should be introduced.
- Information should be conveyed to the public, prosecutors, judges, and legislators about the relative effectiveness of custodial and noncustodial sanctions as well as of the cost-benefit results.

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See also

- [Becarria, Cesare](#)
- [Crime Statistics](#)
- [Montesquieu, Charles-Louis de](#)
- [Preventive Incarceration](#)
- [Prisons and Jails, Economics of](#)
- [Punishment, Economics of](#)
- [Punishment, Psychology of](#)
- [Punishment and Sentencing Alternatives](#)
- [Restorative Justice](#)
- [Victimology and Victim Services](#)

Further Readings

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