

— PREFACE —

Almost ten years have elapsed since the first edition of this book appeared. As before, it remains true that many problems of imprisonment may have been relatively neglected, as researchers have continued to focus on alternative forms of punishment. Noteworthy in the past decade has been the rise of interest in restorative justice as a philosophical underpinning for community sanctions. In central and eastern Europe and in South Africa there have been major developments towards constitutional democracy. These have increased concern for individual rights, including those of prisoners. Nevertheless, in many countries the situation of prisoners has remained depressing and several aspects of imprisonment problematic. Generally speaking, the emphasis on non-custodial sanctions has not led to a decline in the use of imprisonment. The sentence of imprisonment has continued to play a central role in the system of punishment. Living conditions in prisons have certainly not improved uniformly in the past decade and in many countries overcrowding has made these conditions even worse. The recognition of the rights of prisoners across jurisdictions has been uneven and progress uncertain. Thus, the concerns that motivated the first edition of this book remain.

In the past decade there has been little increase in the information about the significance of imprisonment in the different penal systems. One of the primary functions of our book is to continue the efforts to describe empirically the purposes of incarceration in various societies. The question is not only whether serious or petty crimes are punished by imprisonment, but also whether detaining people as awaiting trial prisoners or for other reasons serves any explicit or implicit social purpose. The emphasis throughout is on the law in action rather than the law in books. Thus, not only prisoners' rights but also the actual conditions of detention had to be accurately described. Comparative empirical research is brought to bear also on the conditions of detention of specific classes of prisoners as diverse as women, juveniles, ethnic minorities and political detainees, who might all be subjected to 'special' regimes of one kind or another.

The first edition was based on a meeting organized by Frieder Dünkler in 1989 at Buchenbach near Freiburg in Germany to discuss general developments in

imprisonment throughout the world. The meeting at Buchenbach was the beginning of an informal international network of co-operation of researchers in the field of prisons. The meeting of 1989 was followed by several other seminars that concentrated on special areas of prison research. In 1990 a seminar on pre-trial detention was held in Kazimierz in Poland (Dünkel and Vagg, 1994). This was followed in 1992 by a seminar on 'dangerous and long-term prisoners' in Prague (Dünkel and Van Zyl Smit, 1995). At the 1993 International Criminology Congress in Budapest and also at the next International Congress in Seoul in 1998 the editors of this volume organized workshops on the current situation developments in prison research. In 1996 we took the initiative to hold a seminar on prison labour in Oñati in Spain (Van Zyl Smit and Dünkel, 1999). Although the focus of the questions that have been addressed has changed somewhat over the years and specialists have been invited to deal with particular topics a core group has participated in all the projects.

The current volume returns to the original general questions but in the light of the inquiries that have preceded it. As was the case with the first edition, we suggested certain themes on which we asked contributors to focus. However, we have deliberately not sought to hold authors closely to the table of contents that we proposed. In some countries not all the proposed headings were relevant. Other authors chose to focus on particular aspects of imprisonment and mention others only in passing. Thus, for example, the chapter on Italy analyses prison reform in that country against the background of an in-depth study of prison statistics over the past century, and the chapter on Brazil concentrates on placing imprisonment in the context of the shortcomings of the criminal justice system in that country.

What we have tried to do is find a middle ground between encyclopedic detail and critical analysis. Our choice of countries to include has been influenced by similar concerns. Inevitably we have been influenced by the 'historical coincidence' of whether we knew a colleague in a particular country upon whom we could rely to report independently and critically on the local prison system. Perhaps for this reason, there is a distinct European bias in the countries chosen. The work of the Council of Europe and the activities of the European Committee for the Prevention of Torture and Inhuman and Degrading Punishment have made it significantly easier to have access to critical analyses of imprisonment in European countries. Indeed, we have increased the European coverage by adding more countries from central Europe, such as Estonia and Lithuania, as the political changes since 1989 in that region have had a profound effect on imprisonment too.

At the same time, we have consciously sought to incorporate a wider global perspective. Unfortunately we were not able to find an independent scholar to write a report on the People's Republic of China and therefore this edition, unlike its predecessor, does not include China. However, Asia is represented by two detailed

contributions on India and Japan. Other continents such as Africa and South America are represented more fully than previously, even if still by relatively few countries: Botswana, Mozambique and South Africa in the case of the former, and Brazil and Venezuela in the case of the latter. For North America we have accounts of the federal prison systems in both Canada and the United States of America. We are conscious that in the case of the latter in particular there is a great deal more of comparative interest that could have been derived from accounts of some of the state prison systems. A report on Australia was promised but did not materialize.

The chapters that offer international and comparative perspectives are a major development in comparison to the first edition. They are the contributions by Rod Morgan on the European Committee for the Prevention of Torture and Inhuman and Degrading Punishment, by Andrew Coyle on non-governmental organizations, and by Adam Bouloukos and Burkhard Dammann on the work of the United Nations in the promotion of prison standards, and the comparative survey by Roy Walmsley of world prison populations.

The current edition was not based on a conference attended by all the participating authors. This time we relied much more on interaction with the authors to clarify questions of detail in the various papers. Towards the end of the process a small group of colleagues met with us on the island of Hiddensee near Greifswald to discuss the national reports and make suggestions about possible conclusions that could be drawn from them.¹ The comparative conclusions that were eventually drawn by the editors in the final chapter are our modest attempt to present an overview of the trends and problems that are revealed in the national reports. We are conscious of the selectivity of our conclusions, for, in Luhmann's phrase, a measure of subjectivity is inevitable in any attempt at the 'reduction of complexity'.

We wish to thank all the contributors to this volume for bearing with us through the long editorial process and attending to our many queries on points of detail. The task of editing the contributions and translating those that were initially presented in German, Portuguese or Spanish proved to be much more complex than we had envisaged. In this editorial task we have been greatly assisted by Ricky Röntsch, who managed the editorial process and was also actively involved in editing the English versions of all the manuscripts. Bernd Geng prepared the tables and the figures that are presented in the chapters on Denmark, Germany, Italy and the Conclusion. We are very thankful for their help. Furthermore, we are grateful for the

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It is our fervent hope that this volume, like its predecessor, will contribute not only to knowledge about the various prison systems but to international co-operation in reducing the prison population and improving conditions for those who remain.

Frieder Dünkkel and Dirk van Zyl Smit,
Greifswald, Germany, and Cape Town, South Africa,
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