

**Prison Systems  
& Correctional Laws:  
Europe, The United States  
and Japan  
A Comparative Analysis**



**Günther Kaiser**

**PRISON SYSTEMS AND  
CORRECTIONAL LAWS:  
EUROPE, THE UNITED STATES  
AND JAPAN**

*A Comparative Analysis*

By  
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## List of Abbreviations

Art.	Article
BewHi	Bewährungshilfe, Bonn
BGBI	Bundesgesetzblatt
BritJCrim	The British Journal of Criminology, Delinquency and Deviant Social Behaviour, London
C&D	Crime and Delinquency, Hackensack/N.J.
ch.	chapter
Compte général	Compte général de l'administration de la justice criminelle, Paris
CorrC	Corrections Code
CrimJAbstr	Criminal Justice Abstracts, Hackensack/N.J.
CrimLR	Criminal Law Review, London
DPrR	Dutch Prison Rules
DDR	Deutsche Demokratische Republik (GDR)
Dept.	Department
DPC	Dutch Penal Code
DRiZ	Deutsche Richterzeitung, Karlsruhe
ECCP	European Committee on Crime Problems, Council of Europe, Strasbourg
Ed(s)., ed.	Editor(s), edition/edited
EGGVG	Einführungsgesetz zum Gerichtsverfassungsgesetz (Introductory Law to the Law on Court Constitution)
EMRK	Europäische Menschenrechtskonvention (HRC) (European Human Rights Convention)
et al.	et alii
EuGRZ	Grundrechte. Die Rechtsprechung in Europa. Europäische Grundrechte—Zeitschrift, Kehl
f., ff.	following page, following pages
FAZ	Frankfurter Allgemeine Zeitung, Frankfurt/M.

FedProb	Federal Probation, New York
FrPC	French Penal Code
GBI	Gesetzblatt
GDR	German Democratic Republic
gevangenisstatistiek	gevangenisstatistiek (Prison Statistics), Utrecht
Halsbury's	Halsbury's Statutory Instruments, London
HngPC	Hungarian Penal Code
Howard Journal	Howard Journal of Penology and Crime Prevention, London
HRC	Human Rights Convention
IntJCrim	International Journal of Criminology and Penology, London, New York
IntJOff	International Journal of Offender Therapy and Comparative Criminology, London
I.R.A.	Irish Republican Army
JÄ	Juristische Arbeitsblätter, Berlin
JGG	Jugendgerichtsgesetz (Juvenile Court Code)
JR	Juristische Rundschau, Berlin
JResCrim	Journal of Research in Crime and Delinquency, Hackensack/N.J.
Jur.Diss.	Juridical Dissertation
JZ	Juristenzeitung, Tübingen
KrimB	Kriminologisches Bulletin, Zürich
KrimGegfr	Kriminologische Gegenwartsfragen, Stuttgart
Kriminalforsorgen	Kriminalforsorgen, Prison and Probation. Ministry of Justice, Copenhagen
Kriminalvarden	Kriminalvården, Official Statistics of Sweden, National Prison and Probation Administration, Norrköping
KrimJ	Kriminologisches Journal, München
KrimsozBibl	Kriminalsoziologische Bibliographie, Wien
loc.cit.	loco citato
m.n.	marginal note
MS	manuscript
MschrKrim	Monatsschrift für Kriminologie und Strafrechtsreform, Köln
NJ	Neue Justiz, (East-)Berlin
NJW	Neue Juristische Wochenschrift, München, Frankfurt/M.
No., Nr.	number
NTfKrim	Nordisk Tidsskrift for Kriminalvidenskab, Copenhagen
ÖJZ	Österreichische Juristenzeitung, Wien
ÖRiZ	Österreichische Richterzeitung, Wien

p., pp.	page, pages
par.	paragraph
PolPC	Polish Penal Code
PolPExecC	Polish Penal Execution Code
Prison Statistics	Home Office, Prison Statistics. England and Wales, London
pub.	published
Research Bulletin	Research Bulletin of the Home Office Research Unit, London
Revpénit	Revue pénitentiaire et de droit pénal, Paris
ROW	Recht in Ost und West. Zeitschrift für Rechtsvergleichung und interzonale Rechtsprobleme, Berlin
RSCrim	Revue de science criminelle et de droit pénal comparé, Paris
ScandStudCrim	Scandinavian Studies in Criminology, Oslo
ScandStudLaw	Scandinavian Studies in Law, Stockholm
SchwZfStr	Schweizer Zeitschrift für Strafrecht, Bern
Sec.	Section
Sourcebook	Sourcebook of Criminal Justice Statistics. National Criminal Justice Information and Statistics Service. Washington/D.C.
sp.iss.	special issue
StGB	Strafgesetzbuch (Penal Code)
StrVoSchw	Der Strafvollzug in der Schweiz, Aarau
StVollzG	(Strafvollzugsgesetz) Corrections Code
SWA	Sozialwissenschaftliche Arbeitsgemeinschaft
SwPC	Swiss Penal Code
UdSSR	Union der Sozialistischen Sowjet-Republiken (USSR)
U.N.	United Nations
UNAFEI	United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Fuchu-Tokyo
Vol.	Volume
VollzD	Vollzugsdienst, Freiburg i.Br.
VR	Volksrepublik (People's Republic)
vs.	versus
WGO	Monatshefte für Osteuropäisches Recht, Hamburg
w/o. pl.	without place
ZblfJugR	Zentralblatt für Jugendrecht und Jugendwohlfahrt, Köln

ZfStrVo

Zeitschrift für Strafvollzug und Straffälligenhilfe, Saarbrücken

ZRP

Zeitschrift für Rechtspolitik, Frankfurt/M.

ZStW

Zeitschrift für die gesamte Strafrechtswissenschaft, Berlin

## Preface

A comparative analysis of European penal corrections is both necessary and useful. Partial assimilation and the further tendency toward unity in western European correctional systems underscore this importance. Comparative analysis, however, helps to fulfill the general need for orientation. This fact apparently was recognized two hundred years ago, since the tradition of comparative observation of corrections dates back this far.

Europe certainly does not end at the Baltic Sea, at the Elbe or at the Bavarian Forest. This truth is banal but still must be kept in mind constantly. One always is faced with the danger of confining interests to Western Europe and thereby thinking one has grasped Europe in general. To the extent that information is available, Eastern Europe also is included in this comparative analysis.

Since, however, neither politics nor research in the field of penal corrections can be limited to Europe, but rather clearly encompass worldwide dimensions, it appears sensible to include these perspectives in our study. The correctional systems in Japan and the United States are appropriate for this purpose. In any European situation and trend analysis it is necessary to include the theory and practice of penal corrections in both of these countries, if one is attempting to attain a representative evaluation of corrections and correctional policy.

The relevant literature published before the end of 1981 has been considered. Only the French documentation of "Les systèmes pénitentiaires en Europe occidentale" by M. Ancel and Ph. Chémithé (Paris 1981), which first appeared in the middle of January, could not be evaluated. Although this documentation is limited to Western Europe, it is similar in organization and emphasis to this study, and it recognizes particular importance in the goal of penal corrections, the treatment of prisoners, and the organization of the correctional system.

I would like to thank Messrs. Bernhard Flümman and Ulf Köpcke for their research surveys and Ms. Jacqueline Kaspar for her production of the manuscript.

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Freiburg im Breisgau, February 1984

Günther Kaiser

# **PART ONE**

## **Penal Corrections in Europe Problems, Methods and Development**

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# I. International Comparative View of Penal Corrections as a Problem and Necessity

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## 1. Initial Methods

Since the beginning of modern imprisonment in the sixteenth century, Europeans generally have been interested in comparing the various types of punishment and their execution within other nations. During the seventeenth century,