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Prison Reform and the Power of Ideas: Building Political Will

Baroness Vivien Stern*

It is wonderful to be here. As a person who has some connection to the international human rights movement it is a privilege to be in this company. There are so many people here who are world-famous for their work and their contribution to penal reform and to the observance of human rights.

It is hard to know whom to mention. There is Critical Resistance,¹ a real civil society movement who organised the biggest ever prison reform event in California some years ago, which was *the* model of a mass mobilisation.

There is Elaine Lord from Bedford Hills, a correctional administrator who is famous for her pioneering work to treat women prisoners with humanity. In the small world of people who are concerned about women in prison her name is a legend.

There is Joanne Page,² that amazing, tough woman who goes on the TV, stands up for what is right and wins against interviewers who eat softy liberals for breakfast, with the gift of being able to encapsulate a huge ethical imperative in one sentence.

There is Human Rights Watch,³ who write classic texts—there is real excitement when a new one comes out—which are

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1. Critical Resistance, at <http://www.criticalresistance.org>.

2. JoAnne Page is the Executive Director of The Fortune Society, an organisation dedicated to the welfare of ex-offenders. See The Fortune Society, at <http://www.fortunesociety.org>.

3. See The Human Rights Watch, at <http://www.hrw.org>.

of a superb, high quality and they always relate their findings and recommendations to the international instruments.

There is Al Bronstein, the guru of litigation.⁴ And Professor Hans Toch,⁵ who for some of us is also a guru and who is the inspiration for a project we are doing in England, called the Restorative Prison Project,⁶ which is based on the premise that prisoners are entitled to practise altruism and that it helps them to forge a new identity.

Then there is the work to publicise what is going on here and why the great incarceration experiment is so lacking in merit. That means the work of Marc Mauer⁷ which is tireless and of endless high quality, and Vinnie Schiraldi⁸ similarly. They have been so influential and so effective. At least outside the United States they have been so influential and so effective. Everyone concerned with these matters in Europe and the English speaking world and also further afield knows, because of Marc, about the grossly high incarceration rates, the racial proportions, the unremitting growth. Everyone outside the United States knows, from Vinnie, that California spends more on prisons than education.⁹ They may not have it quite right but they know it. It is just like Mrs Thatcher never actually saying "prison is an expensive way of making bad people worse." But she nearly did.

This knowledge that we get from Marc, Vinnie and Human Rights Watch, has contributed greatly to the way the United States justice system is seen and understood by people outside, in Europe, Latin America and Canada.

4. Alvin J. Bronstein is the founding Executive Director of the National Prison Project of the American Civil Liberties Union Foundation and was awarded a MacArthur Foundation Fellowship in 1989 for his contributions in the development of prisoners' rights and correctional case law.

5. Hans Toch is a distinguished professor at the School of Criminal Justice, State University of New York at Albany.

6. See International Centre for Prison Studies, *Restorative Prison Project*, available at http://www.kcl.ac.uk/depsta/rel/icps/restorative_prison.html (last visited Aug. 22, 2004).

7. Marc Mauer is the Assistant Director of The Sentencing Project.

8. Vincent Schiraldi is the founder and president of the Justice Policy Institute, Washington D.C.

9. See, e.g., JUSTICE POLICY INST., *CELLBLOCKS OR CLASSROOMS? THE FINDING OF HIGHER EDUCATION AND CORRECTIONS AND ITS IMPACT ON AFRICAN AMERICAN MEN* (2002), available at <http://www.justicepolicy.org/downloads/coc.pdf>.

I should have mentioned everyone here. It is wonderful to be here, and to be re-inspired by your example. You are the best in prison reform.

But being here I have also been reminded, very forcefully, how monstrous, deformed and abnormal your situation is. Forgive me for those words, but you must understand that from outside we *do not* see the modulations, we *do not* hear about the bits of the system where racism *does not* operate, we *do not* hear of the part of the system run strictly according to the world human rights standards. As ever with an outsider this is a blanket unmodulated view for which I hope I will be forgiven.

Looking from the outside there is a core difference between the United States and all countries in Europe and in the rest of the Americas and almost anywhere in the world. The difference is that this is not a criminal justice system. The United States has many elements of the former Soviet Union—commentators often call the United States prison system a Gulag,¹⁰ easily said and evocative. It looks good in books and articles. But it has meaning. It means that prison is used politically to control the population. Vast numbers are locked up to enable the state to achieve political ends and the imprisonment of those who are incarcerated is justified to the rest of the population by describing them as, and giving them the identity of, “enemies of the state.”

Most countries would accept and try—half-heartedly maybe—but would at least pay lip service to “treating prisoners as citizens,” to have in place mechanisms to achieve that. I would say more about the concept of ‘prisoners as enemies’ and ‘prisoners as citizens’ but there is no time.

For the rest of the world the image of the prisoner in the United States is the picture of a black man in an orange jumpsuit wearing leg chains. This is a caricature, a crystallisation. It is unfair and far from reality. But it symbolises something. It is a symbol of gross racial disparity, so gross as to provoke disbelief that it is tolerated (it is due to Marc Mauer that the world knows so clearly the breathtaking nature of this dispar-

10. A system of forced labor camps operated in the former Soviet Union. See ALEKSANDR I. SOLZHENITSYN ET AL., *THE GULAG ARCHIPELAGO 1918-1956: AN EXPERIMENT IN LITERARY INVESTIGATION* (1973); see also ANN APPLEBAUM, *GULAG: A HISTORY* (2003).

ity). It is a symbol of dehumanisation (the orange jump-suit). It is a symbol of ill-treatment and cruelty (the leg chains).

The whole question of the United States' use and nature of incarceration ranks large in the thinking of many outside this country when they reflect on what is wrong with the world, what needs changing, what are the deformities and injustices that a thinking person should care about. You have more friends and supporters than you know.

What is to be done?

If you don't know then I don't know because the experience and expertise in this room is unbeatable. But let me just wander a little with you into some unfamiliar territory—to see if it resonates at all.

There is a great American we haven't yet mentioned at this symposium. He is a man who has had an enormous influence on the world, just one man who has altered the shape of ideas. Who is this? I mean Joseph Stiglitz, winner of the Nobel Prize for Economics. He was Chief Economist at the World Bank and on Bill Clinton's Council of Economic Advisors. This amazing man came from right inside and confirmed, with evidence, and all his learning and reputation, what any sensible person has known for years: that the World Bank and the International Monetary Fund ruin countries' economies with their prescriptions. That their economic theories bolstered by millions of pages of research are wrong and only a cover for stripping the poor of what they have and making a country dependent on Wall Street. That the whole edifice of untrammelled free market economics as launched by President Reagan and my compatriot in the House of Lords, Baroness Thatcher, and turned into highway robbery by the current United States administration is based on false premises.¹¹

This exposure, by such a well-placed person, has had startling consequences. It has shifted the movement for justice for the poor of the world from the fringes to the mainstream.

We used to think the way to help the poor countries of the world was to give money out of our taxes to development aid. Sweden gave a lot; we gave a little; you gave a bit less and everyone complained about it. We were wrong. It is the terms of

11. See JOSEPH E. STIGLITZ, *GLOBALIZATION AND ITS DISCONTENTS* (2002).

trade that are to blame. Don't we all know now that we subsidise our agriculture and drive the poor farmers of the world off their land to starve on the streets of the big cities.

A little revolution took place thanks to Mr. Stiglitz and the major non-governmental organisations (NGO) of the anti-globalization movement. This anti-globalization movement is worldwide and connected through the internet, which links up NGO's with committed countries like Brazil.¹² It is political and it understands the power of ideas.

They did the politics so that the committed countries were signed up at the World Trade Organisation meeting. They did the publicity, in Europe at least. Our main newspapers had pages explaining how the poor farmers couldn't sell their coffee because of the World Bank and the European Union, and the United States in particular.¹³ They advanced a new mass understanding of the basis of economic injustice in terms of trade in the world.

Is there something we can learn from all this?

I don't know the answer. I will leave that with you to reflect upon. Let's just say the world is changing rather fast. There is a new awareness that we are being ripped off, that unfairness is growing. Chief Executives earn 400 times the average wage of their workers.¹⁴ Entrepreneurs gamble and leave thousands of employees without pensions (this happens in England anyway).

The narrative, the story, that has been developed in this country—the United State—and infected the rest of us about how the world is, and how it should be run, is looking a bit shaky. And our criminal justice systems with their injustice—and I include the U.K. here because we are infected—are deeply tied into the economic ideology which I have just touched on.

They are connected in the way that we are locking up the poor, the dispossessed, the marginalised, instead of encouraging

12. See Christopher Boian, *Joseph Stiglitz: Guru of the Anti-Globalization Movement*, AGENCE FRANCE-PRESSE, Oct. 10, 2001; see generally Tsering Namgyal, *Cultural Clash: Virtual Tibet—Activist Groups are Doing Wonders Online*, ASIAN WALL ST. J., June 8, 2001, at W9.

13. See Antony Wild, *The Bitter Cost of One Nation's Coffee Boom*, THE IN-DEP., Apr. 3, 2004, at 36.

14. See CEOGO, CEO Pay, at <http://www.ceogo.com/CEOPAY> (last visited Aug. 22, 2004).

social inclusion and creating safety nets. We are creating a big new market in fear and safety measures to respond to fear. And just like other aspects of the economic model Stiglitz so effectively destroyed with his arguments it is very ineffective. Mass incarceration causes great damage to the social fabric and social cohesion and thus increases crime and insecurity. Mass incarceration is a non-productive public expenditure. You know all this.

I hope I am leaving you with something to think about. I will end with three observations, things that I have learnt since I became an illegitimate, unelected, absurdly titled player in the political process in the House of Lords.

The power of individuals. I thought of that after the Senator from Louisiana, Donald Cravins, told us yesterday about his inspiring work to reform the juvenile justice system there. People can do great things if they want to, and finding them, supporting them and celebrating them is what we should do.

The power of ideas. Andrew Coyle mentioned yesterday Martin Harris's comment "prison stinks." That's an idea.

The power of politics. It is a dirty business but it is where it happens. Political will has to be built.

It has been a pleasure to be with you today. I thank you for listening.