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THE DEVELOPMENT OF PRISON SYSTEMS WORLDWIDE

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Abstract: *The construction of prisons, which marked the inception of modern penal institutions, began only in the late 16th century. These facilities housed not only convicted offenders but also vagrants, beggars, idlers, prostitutes, alcoholics, abandoned children, and other individuals deemed socially dangerous. Within such a framework of enforcement, intimidation, cruelty, and retribution constituted the primary instruments and guiding principles of the penitentiary system. Indeed, until the 18th century, the treatment of prisoners lacked even the most basic elements of humanity. Both theorists and practitioners concurred that society—particularly offenders—should be deterred through severe punishments and even harsher methods of execution. Such conditions prevailed in prisons across nearly all countries, including those in the United States. However, certain advancements occurred in some U.S. states that Europe failed to implement. From the very outset of introducing custodial sentences and their enforcement, the United States began developing specific systems that represented a notable improvement over European practice. This paper aims to examine the historical evolution of prison systems, which subsequently transformed and advanced in tandem with societal progress.*

Keywords: *prison systems, punishment, repression, inmates, deprivation of liberty.*

Introduction

In its earliest phase, the execution of custodial sentences primarily consisted of the passive isolation of criminal offenders. The sole objective was to confine delinquents, prevent the commission of new crimes, and impose punishment for past offenses. Within this concept of prison isolation, elements of inhumane and undifferentiated treatment of convicts were highly prevalent. For a long time,

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virtually no attention was devoted to the manner in which sentences were carried out. Punishments were executed in shared spaces, without any segregation of inmates based on their level of deviance. The classical school overlooked the fact that offenders are not identical individuals and that significant differences exist among them. Individual characteristics of convicts played no role; rather, offenders were generalized and subjected to uniform methods of correction. Consequently, early penal institutions typically failed to differentiate inmates either by type of sentence or by category of offender. Imprisonment was essentially reduced to serving time without any constructive rehabilitative measures. Under such conditions, the risk of "criminal contagion" was considerable, turning prisons into veritable "schools of crime," where idlers and vagrants were effectively trained at the expense of the state. These institutions became one of the principal causes of recidivism, as inmates used their time in custody to establish connections with other criminals and plan future offenses upon release.

Penal facilities did not provide even the most basic living conditions. Prisoners were left at the mercy of those in authority (Kupčević–Mlađenović, 1972). Prison staff were often callous, brutal, and corrupt—frequently worse than the inmates themselves. Prisons were overcrowded, filthy, and damp, which led to frequent outbreaks of disease and epidemics. After visiting European prisons, English reformer John Howard noted that he had to air his clothes for three weeks following his inspections, illustrating that prisoners endured not only their sentences but also the "punishment of prison stench." Increasingly, it became evident that the reorganization of penal institutions was an urgent necessity to prevent epidemics and infectious diseases. At that time, prisons were places of torment, destroying both the physical and mental health of inmates (Singer, 1994). There is no doubt that such inhumane execution of sentences was not only ineffective but also detrimental to society as a whole. Consequently, penal institutions organized under the system of communal confinement could not fulfill their intended objectives—forced correction, re-education, and adaptation to work.

The severity of punishments and the cruelty of their execution persisted openly until the French Revolution. This critical issue of criminal law thus evolved into a major social question requiring an appropriate solution. For instance, in France, the Estates-General (Les États Généraux) demanded a reform of criminal justice that would pay greater attention to human rights, particularly through improvements in prison regimes (Macanović, 2011)

Characteristics of prison systems in the world

At the end of the 18th and during the 19th century, special penal institutions were established, which, by their purpose and internal organization, represented institutions for the execution of prison sentences, mainly because it was realized that convicts could be usefully used as labor. Thus, based on Beccaria's program, instead of institutions for vagrants, problem children and minor offenders, reformatories and prisons with a different purpose and character appeared, which would gradually grow into the basic institutions of the correctional system. In this regard, it is emphasized that it is not possible to precisely determine the place and time when the first prison for long prison sentences appeared. However, if this is not certain, it is quite certain that since the establishment of the first prisons intended solely for the execution of custodial sentences, real problems and dilemmas related to their execution have arisen, which have not been fully resolved to this day (Bošković, 2000). Great philosophical and legal thinkers of the 18th century, led by Beccaria, Bentham, Howard, Voltaire and others, sharply criticized the existing system of executing custodial sentences, demanding that prisoners must be treated humanely and with respect for their human dignity if they are to return to being useful members of society. Thus, the concrete struggle for better regulation of penal institutions in England was initiated by John Howard, who had previously inspected many prisons in Europe and personally witnessed the malfeasance and bribery of guards, the violence of stronger prisoners against weaker ones, and the generally desperate condition that prevailed in them. Criticizing such conditions in prisons, he advocated, among other things, the organization of workshops in prisons, so that prisoners could be accustomed to work while serving their sentences. The demands of Howard and other progressive thinkers and supporters of reform did not remain without results. They contributed to the rapid reorganization of penal institutions, their more modern organization, and a more serious study of issues related to the regime, conditions, and method of serving prison sentences. In fact, with the positivists, at the end of the last century, the period of constructive treatment began, which consisted of applying methods and means to convicts with the aim of their correction and re-education. Thus, it was finally realized that the prison regime should not only intimidate, but also play a constructive role in the correction and re-education of convicts, and therefore their social reintegration (Macanović, 2011). According to the understandings of that time, the perpetrator of a criminal offense committed the offense of his own free will and without the influence of other factors. Therefore, the punishment imposed by the court should

be in appropriate proportion to the gravity of the offense, and its purpose - revenge of society for violating general social norms. It follows from this that the treatment of a convicted person should be such that he pays for the offense and is willing to repent. In accordance with these understandings, throughout the nineteenth century, the execution of a sentence of deprivation of liberty had the character of pure retribution. The personality of the convicted person was almost completely ignored. He was rejected by society and no longer counted on by society. The only task of the prison staff was to keep the convicts safe. The convicts were usually chained in irons, forced to do difficult and often completely useless or meaningless work in their cells or in the prison compound. They were kept in cramped, unsanitary cells into which light penetrated only through miniature windows and were severely punished for the slightest violation of discipline. Correspondence with persons from the outside world was prohibited, as was reading books, literacy or training of convicts in certain crafts, as a rule, was not carried out anywhere, and the organization of some cultural activities among convicts was unthinkable. Such harsh living conditions resulted in numerous suicides, mental illnesses, and riots in many prisons. However, no one felt sorry for those who committed suicide or became mentally ill, and any rebellion was bloodily suppressed (Milojević 1984).

This state of affairs in prisons existed in almost all countries, including prisons in the USA. However, what Europe did not do, was done in some countries of the USA. Namely, from the very beginning of the introduction of the penalty of deprivation of liberty and its execution in the USA, certain execution systems began to form that represented a certain progress in comparison with European countries. Thus, the following systems of execution of the penalty of deprivation of liberty are known:

a) Pennsylvania system. In Philadelphia, in the state of Pennsylvania, USA, the so-called "Eastern Penitentiary" was built in 1790. in which the first precisely defined system of execution of the penalty of deprivation of liberty was conceived. This system is known as the "Pennsylvanian" system and consisted of convicts being placed in separate cells, small and unhygienic, in which they spent the entire time they were sentenced to in complete isolation. Next to the cell was a small yard, measuring 2x2 meters, in which the convicts could spend a certain amount of time doing the chores assigned to them by the guard. The rigidity of the prison authorities was manifested even when taking the convicts to mass and for a walk, so they put masks on their faces for that occasion. This complete isolation, which was consistently implemented within the Pennsylvania system,

had catastrophic consequences for the convicts. Many became mentally ill, many committed suicide, and many died of serious illnesses (Nikolić, 2000).

The advantages of the cell system were in preventing the harmful influence of convicts on themselves, easier re-education in isolation, less possibility of escape and rebellion in prisons. The bad consequences for convicts were far more numerous. Cellular isolation of convicts is suffering for a person, which demoralizes and endangers the mental and physical health of the convict (Konstantinović – Vilić, Kostić, 2006:133).

This system has met with the harshest condemnation from all who have studied the system of deprivation of liberty. However, some countries, under the guise of understanding the freedom and autonomy of the individual and his right to be alone, and thus protected from others, have retained this system in a slightly modified form until today, especially when it comes to detention and prison sentences for serious offenders and for organized crime. Such an understanding, however, is quasi-humane, because it does not start from scientific knowledge of the human being, its essence, and it plays into the hands of the line of least resistance in guarding prisoners and speaks of the ignorance of those who, unfortunately, are in a position to decide on this (Macanović, 2011).

b) The Auburn system or the system of silence. In the city of Auburn in the state of New York, USA, another system was conceived that emerged most as a criticism of the Pennsylvania system. Its characteristics were that the convicts were allowed to be together during the day, most often to work together, while they spent the nights isolated in their cells. However, although they were together during the day, the convicts were forbidden to communicate with each other. Not only were they not allowed to talk, they were also not allowed to look at each other. These rules were very strict and any violation resulted in harsh punishments, most often beatings, by the guards. The principle of "work, silence, repentance" was strictly enforced regardless of the consequences for the convict. To prevent contact between the convicts while they worked, the guards usually tied them up in pairs or small groups, with shackles on their legs and hats on their heads that fell low over their faces, covering their eyes and ears and allowing them to see only a step or two ahead.

Every offense was severely punished, because the task was the same: to prevent the negative influence of the convict and his acquaintance with other convicts, so that after serving their sentence they would not join forces to commit new offenses (Macanović, 2011).

The Auburn Penitentiary instituted rules of complete silence, shaving the head, striped clothing, moving according to the rule of the convict's step, various forms of physical torture, including the infamous Spanish room in which the convict was permanently crippled if he spent a certain amount of time there as a disciplinary punishment (Konstantinović – Vilić, Kostić, 2006:134).

The results in the re-education of convicts were not significantly improved even by this "improved" cell system, because the basic need of people for belonging and interpersonal relationships was interrupted or prohibited. Therefore, based on the experience gained from the application of these systems and new knowledge about man and his essence, further reforms of prison systems were initiated, and thus their architectural adaptation to new needs.

c) Progressive system. In the execution of the sentence of deprivation of liberty at the end of the nineteenth century and the beginning of the twentieth, under the influence of new ideas in the field of the execution of sentences, and especially under the influence of the Italian positivists, major changes occurred that essentially meant the practical realization of the ideas of resocialization. All these innovations were reflected in the creation of a new system of execution of the sentence of deprivation of liberty, the main characteristic of which was the progressive movement of the convict from more severe to milder conditions depending on the achieved level of rehabilitation. Thus, the so-called progressive systems were created, of which the most famous are the English and Irish progressive system, as well as the Maconochie points system and the Classification system. These last two systems, in fact, are not systems in the literal sense, because they did not take root in the practice of the countries where they were created, and even less so in other countries, but from the point of view of penology they are significant as interesting and noteworthy attempts. The English progressive system was created in England as early as 1853. The essence of the system was in the progression or advancement of convicts from a worse to a better regime, i.e. treatment in prison. The system itself involved three phases:

In the first phase, which lasted six months or a year, and sometimes longer, the convict spent time in a cell, in complete isolation. This was the most difficult phase in serving the sentence. After completing this phase, the convict was transferred to the second phase, where he worked with other convicts during the day, and spent the night either in cells or in shared dormitories, which within this system began to gain priority over cells. This phase of serving the sentence lasted the longest, and that is until conditional release, which, for those who were

released on conditional release, was the third phase in the execution of the prison sentence. In cases where the convict was not released on conditional release, this second phase was also the last (Milutinović 1981).

Irish progressive system

One of the variants of the progressive system that was most widely accepted in Europe is the so-called IRISH PROGRESSIVE SYSTEM of serving a sentence of deprivation of liberty. This variant of the progressive system had four phases: the first was identical to the one described above, that is, the convict spent six months, or a year, in a cell, and then he was transferred to the second phase, within which he worked with other convicts during the day, and spent the nights in shared dormitories, or in a cell. The third phase was actually a novelty and it was reflected in the fact that the convict was either transferred to another smaller prison with a capacity of up to 100 convicts or worked outside the prison, that is, outside the walls, in which case he belonged to the group of so-called "freemen". Freedmen had the right to move outside the prison circle and were most often used as auxiliary labor to maintain cleanliness in offices or to work on the agricultural property that each home usually had, and they were often used as a service to the prison staff. The fourth phase was the last, and in a large number of cases, it was conditional release (Macanović, 2011).

In many European prisons, upon moving to a higher phase, convicts also received certain privileges that were intended to make serving their sentence easier. Privileges were reflected in the right to an increased number of letters, an increased number of packages, visits, an expansion of the list of persons who could visit them, and the like.

The progressive system of execution of sentences by deprivation of liberty in all its variants is based on a dual understanding of the purpose of punishment:

1. intimidation (the period spent in a cell);

2. correction – the second phases of this system.

Almost all European countries have adopted this progressive system, which has undergone many changes and innovations to this day.

The Maconochie and Classification systems cannot be considered systems in the literal sense of penology, because apart from the prisons in which they were applied for a time (Maconochie on Norfolk Island near Australia in 1840, and the Classification in Geneva in 1834), they did not take root outside these prisons and

lasted only until the dismissal of their governors who introduced such a system. However, both systems are very significant from the aspect of humanizing relations in the execution of prison sentences and as a precursor to the reformatory concept. The architectural conditions for their application were pavilion-like, since the Maconochie system was based on three phases, as were the other two progressive systems, and the Classification System on the classification of convicts according to personality traits, calendar and criminogenic characteristics (Davidović, 1983).

Today, a modified Irish progressive system is present in most European countries, because the first cell phase was avoided and prohibited and, under the influence of clinically oriented criminology, personality testing and classification of convicted persons were introduced. Therefore, pavilions for the cell phase are no longer needed, but departments for personality testing, and according to the parameters of modern knowledge of psychology, pedagogy, criminology and other sciences (Nikolić, 1994).

In the last decades of the 20th century, the construction of a more modern system of execution of sentences of deprivation of liberty began, which is characterized by the approximation of the living conditions of convicts to life in freedom. Thus, today, a system is developing based on the increasing elimination of barriers between convicts and the outside world. This modern system starts from re-education as the main goal of punishment. The construction of such a system of execution of prison sentences is based on the concept of joint serving of sentences of deprivation of liberty, which is considered to be most suitable for a positive impact on the convicted person, because it brings him closer to the conditions of life in freedom. It differs significantly from the previous system of joint serving of sentences in which prison represented a difficult, cruel and inhumane institution with a criminogenic effect. In other words, this modern system is being built on the basis of introducing increasing humanization and applying existing scientific knowledge to the process of resocialization (Macanović, Nadarević, 2014).

Our penal system has adopted in its basic principles modern views on punishment, on its goals that correspond to the latest findings of criminology, penology and other sciences, and which have found expression in the conclusions and resolutions of international professional and scientific organizations. Within the framework of the modern system of execution of sentences of deprivation of liberty, semi-open and open institutions appear as an expression of the further

penetration of the idea of humanization into the system of execution of criminal sanctions, the emphasis on re-education as the primary goal of punishment and the suppression of other untenable goals and the application of achieved scientific knowledge in the process of achieving that goal. With their help, convicts are brought as close as possible to life in freedom and enable a more consistent application of the principle of individualization in the execution of sanctions. Therefore, open and semi-open institutions rightly stand out as particularly important institutions in the resocialization of convicted persons. They appear either as a transitional form between a closed regime and a freer life or as the only (first and last) form, which is intended for persons of certain categories, as well as for those sentenced to shorter sentences of deprivation of liberty (Milutinović, 1981: 68).

Therefore, the execution of a sentence of deprivation of liberty is, from a historical perspective, a dynamic process that follows social movements and understandings of the character and purpose of imprisonment. It can be said that today's prisons, judging by the organization and character of the process that is carried out in them, bear little resemblance to those of 50 years ago, and even less to prisons of 100 to 150 years ago, although the penal systems of many countries have retained essential characteristics of the classic prison from the last century that are incompatible with modern treatment methods.

Conclusion:

People have always been preoccupied with discovering ways to fix what they have failed to do, and to do it as well and permanently as possible, and the discovery of these ways has become a constant subject of human curiosity and research. However, no discovered way could be both universal and permanent, because conditions and people changed. All human activities are, at the same time, emotionally colored, especially when they are directed at people. This emotional side has always been the cause of the perception that punishment is the best way to fix people, although the rational side has indicated that people can fix themselves in other ways. This ambivalent attitude towards offenders of social norms is a characteristic of almost all stages of social development, and it is precisely this ambivalent attitude that is the cause of the perception that punishment is a necessary consequence of every offense. Prison systems, as well as the approaches to punishment themselves, depend to a large extent on the socio-economic relations in society. The social response has always been an

adequate degree of development of society and its attitude towards violators of its norms.

The economic crisis, war events and a disturbed system of values in society have influenced the increase in crime, which has its own specific characteristics, appropriate to the spirit of the times in which we live. One of the forms of society's fight against perpetrators of criminal acts is their punishment. The penalty of deprivation of liberty, or imprisonment as one of the social sanctions, is the "backbone" of the policy of combating crime. In modern systems of criminal sanctions, imprisonment occupies the most prominent place. Today, there is no criminal legislation that does not recognize this punishment and in which it is not provided for as an exclusive sanction for a large number of criminal acts. It is through this work and this historical overview of prison systems that we have pointed to the transformation of the justice system not only in terms of the purpose of punishment, but also in terms of the execution of the criminal sanction itself.

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RAZVOJ ZATVORSKIH SUSTAVA ŠIROM SVIJETA

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Sažetak: *Izgradnja zatvora, koja je označila početak modernih kaznenih ustanova, započela je tek krajem 16. stoljeća. U tim su ustanovama bili smješteni ne samo osuđeni prijestupnici, već i skitnice, prosjaci, besposličari, prostitutke, alkoholičari, napuštena djeca i druge osobe koje su smatrane društveno opasnima. Unutar takvog okvira provedbe, zastrašivanje, okrutnost i odmazda činili su primarne instrumente i vodeća načela zatvorskog sustava. Doista, do 18. stoljeća, tretmanu zatvorenika nedostajali su čak ni najosnovniji elementi humanosti. I teoretičari i praktičari slagali su se da društvo - posebno prijestupnike - treba odvraćati teškim kaznama, pa čak i oštrijim metodama pogubljenja. Takvi su uvjeti prevladavali u zatvorima u gotovo svim zemljama, uključujući i one u Sjedinjenim Državama. Međutim, u nekim američkim saveznim državama dogodio se određeni napredak koji Europa nije uspjela provesti. Od samog početka uvođenja kazni zatvora i njihove provedbe, Sjedinjene Američke Države počele su razvijati specifične sustave koji su predstavljali značajno poboljšanje u odnosu na europsku praksu. Ovaj rad ima za cilj ispitati povijesni razvoj zatvorskih sustava, koji su se potom transformirali i napredovali u skladu s društvenim napretkom.*

Ključne riječi: *zatvorski sustavi, kažnjavanje, represija, zatvorenici, lišavanje slobode*