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**Prison**

**Prison,** an institution for the confinement of persons who have been remanded (held) in custody by a judicial authority or who have been deprived of their liberty following conviction for a [crime](http://www.britannica.com/EBchecked/topic/142953/crime). A person found guilty of a [felony](http://www.britannica.com/EBchecked/topic/204029/felony-and-misdemeanour) or a misdemeanour may be required to serve a prison sentence. The holding of accused persons awaiting trial remains an important function of contemporary prisons, and in some countries such persons constitute the majority of the prison population. In the [United Kingdom](http://www.britannica.com/EBchecked/topic/615557/United-Kingdom), for example, generally about one-fifth of the prison population is unconvicted or unsentenced, while more than two-thirds of those in custody in India are pretrial detainees.

Until the late 18th century, prisons were used primarily for the confinement of debtors, persons accused of crimes and awaiting trial, and convicts awaiting the imposition of their sentences—usually death or transportation ([deportation](http://www.britannica.com/EBchecked/topic/158282/deportation)) overseas. A sentence of [imprisonment](http://www.britannica.com/EBchecked/topic/284217/imprisonment) was rarely imposed—and then only for [minor](http://www.britannica.com/EBchecked/topic/384445/minor) crimes.

As the use of [capital punishment](http://www.britannica.com/EBchecked/topic/93902/capital-punishment) began to decline in the late 18th century, the prison was increasingly used by courts as a place of [punishment](http://www.britannica.com/EBchecked/topic/483544/punishment), eventually becoming the chief means of punishing serious offenders. The use of imprisonment subsequently spread worldwide, often by means of colonial empires that brought the practice to countries with no indigenous concept of prisons. By the early 21st century a majority of countries had abolished the death penalty (in [law](http://www.britannica.com/EBchecked/topic/332745/law) or in practice), and imprisonment was consequently the most severe form of [punishment](http://www.britannica.com/EBchecked/topic/483544/punishment) their courts could impose.

Newgate Prison, London, drawing by George Dance the Younger; in Sir John Soane’s Museum, London.

**The purposes of imprisonment**

There are a number of accepted reasons for the use of imprisonment. One approach aims to deter those who would otherwise commit crimes (general [deterrence](http://www.britannica.com/EBchecked/topic/159555/deterrence)) and to make it less likely that those who serve a prison sentence will commit crimes after their release (individual deterrence). A second approach focuses on issuing [punishment](http://www.britannica.com/EBchecked/topic/483544/punishment) to, or obtaining [retribution](http://www.britannica.com/EBchecked/topic/500102/retribution) from, those who have committed serious crimes. A third approach encourages the [personal rehabilitation](http://www.britannica.com/EBchecked/topic/1362805/personal-reform) (ie. Reform) of those who are sent to prison. Finally, in some cases it is necessary to protect the public from those who commit crimes—particularly from those who do so persistently. In individual cases, all or some of these justifications may apply. The increasing importance of the notion of reform has led some prison systems to be called *correctional institutions*.

This description of imprisonment applies mainly to the countries of Europe and North America. In [China](http://www.britannica.com/EBchecked/topic/111803/China) imprisonment was historically used as a means of reforming the minds of criminals, and it obliged prisoners to work in support of the [state](http://www.britannica.com/EBchecked/topic/563762/state). Imprisonment in the Soviet Union similarly became a method of forcing so-called enemies of the state to labour on its behalf and, in so doing, to recognize the error of their ways. Developing countries faced a different challenge as they confronted prison systems that in many cases symbolized a legacy of colonial domination. Given the difficulty of replacing the structure and organization of an existing prison system, many countries consequently struggled to implement effective forms of punishment that were also decent and humane.

**Development of the prison system**

During the 16th century a number of houses of correction were established in Europe for the [rehabilitation](http://www.britannica.com/EBchecked/topic/496295/rehabilitation) of minor offenders and vagrants; they emphasized strict discipline and hard labour. Over [time](http://www.britannica.com/EBchecked/topic/596034/time), imprisonment came to be accepted as an appropriate method of punishing convicted criminals. Poor sanitation in these institutions caused widespread disease among prisoners, who were generally held unsegregated, without any consideration for gender or legal status. Outbreaks of [epidemic typhus](http://www.britannica.com/EBchecked/topic/611812/typhus), known as “jail fever,” occasionally killed not only prisoners but also jailers and (more rarely) judges and lawyers involved in trials. The modern prison developed in the late 18th century in part as a reaction to the conditions of the local jails of the time.

**Emergence of the penitentiary**

The concept of the prison as a penitentiary (that is, as a place of [punishment](http://www.britannica.com/EBchecked/topic/483544/punishment) and [personal reform](http://www.britannica.com/EBchecked/topic/1362805/personal-reform)) was advocated in this period by the English jurist and philosopher [Jeremy Bentham](http://www.britannica.com/EBchecked/topic/61103/Jeremy-Bentham), among others. The appalling conditions and official corruption in many local prisons of late 18th-century [England](http://www.britannica.com/EBchecked/topic/700965/England) and [Wales](http://www.britannica.com/EBchecked/topic/634468/Wales) were exposed by the English prison reformer [John Howard](http://www.britannica.com/EBchecked/topic/273444/John-Howard), whose works *The State of the Prisons in England and Wales* (1777) and *An Account of the Principal Lazarettos in Europe* (1789) were based on extensive travels. The public outrage that Bentham and Howard helped generate led to a national system of inspection and the construction of “convict prisons” for those serving longer sentences. Consequently, in the early 19th century, penitentiaries were established in the U.S. states of Pennsylvania and New York.

As use of the new type of prison expanded, administrators began to experiment with new methods of prisoner rehabilitation. [Solitary confinement](http://www.britannica.com/EBchecked/topic/553445/solitary-confinement) of criminals came to be viewed as an ideal, because it was thought that solitude would help the offender to become penitent and that penitence would result in rehabilitation. In the [United States](http://www.britannica.com/EBchecked/topic/616563/United-States) the idea was first implemented at Eastern State Penitentiary in Philadelphia in 1829. Each prisoner remained in his cell or its adjoining yard, worked alone at trades such as weaving, carpentry, or shoemaking, and saw no one except the officers of the institution and an occasional visitor from outside. This method of prison management, known as the “separate system” or the “[Pennsylvania system](http://www.britannica.com/EBchecked/topic/450186/Pennsylvania-system),” became a model for penal institutions constructed in several other U.S. states and throughout much of Europe.

A competing philosophy of prison management, known as the “silent system” or the “[Auburn system](http://www.britannica.com/EBchecked/topic/42435/Auburn-system),” arose at roughly the same time. Although constant silence was strictly enforced, the distinguishing feature of this system was that prisoners were permitted to work together in the daytime (at night they were confined to individual cells). Both systems held to the basic premise that contact between convicts should be prohibited in order to minimize the bad influence inmates might have on one another. Vigorous competition between supporters of the two systems followed until about 1850, by which time most U.S. states had adopted the silent system.

The concept of [personal reform](http://www.britannica.com/EBchecked/topic/1362805/personal-reform) became increasingly important in [penology](http://www.britannica.com/EBchecked/topic/450231/penology), resulting in experimentation with various methods. One example was the [mark system](http://www.britannica.com/EBchecked/topic/365619/mark-system), which was developed about 1840 by Capt. Alexander Maconochie at [Norfolk Island](http://www.britannica.com/EBchecked/topic/418155/Norfolk-Island), an English [penal colony](http://www.britannica.com/EBchecked/topic/449585/penal-colony) east of [Australia](http://www.britannica.com/EBchecked/topic/43654/Australia). Instead of serving fixed sentences, prisoners were required to earn credits, or “marks,” in amounts proportional to the seriousness of their offenses. Credits were accumulated through good conduct, hard work, and study, and they could be withheld or subtracted for indolence or misbehaviour. Prisoners who obtained the required number of credits became eligible for release. The mark system presaged the use of [indeterminate sentences](http://www.britannica.com/EBchecked/topic/285164/indeterminate-sentence), individualized treatment, and [parole](http://www.britannica.com/EBchecked/topic/444506/parole). Above all it emphasized training and performance, rather than solitude, as the chief mechanisms of reform.

Further refinements in the mark system were developed in the mid-19th century by Sir Walter Crofton, the director of Irish prisons. In his program, known as the [Irish system](http://www.britannica.com/EBchecked/topic/294180/Irish-system), prisoners progressed through three stages of confinement before they were returned to civilian life. The first portion of the sentence was served in isolation. After that, prisoners were assigned to group work projects. Finally, for six months or more before release, the prisoners were transferred to “intermediate prisons,” where they were supervised by unarmed guards and given sufficient freedom and responsibility to demonstrate their fitness for release. Release nonetheless depended upon the continued good conduct of the offender, who could be returned to prison if necessary.

Many features of the Irish system were adopted by reformatories constructed in the United States in the late 19th century for the treatment of youthful and first offenders. The leaders of the [reformatory](http://www.britannica.com/EBchecked/topic/495577/reformatory) movement advocated the classification and segregation of various types of prisoners, individualized treatment emphasizing [vocational education](http://www.britannica.com/EBchecked/topic/631760/vocational-education) and industrial employment, indeterminate sentences and rewards for good behaviour, and parole or conditional release. The [reformatory](http://www.britannica.com/EBchecked/topic/495577/reformatory) philosophy gradually permeated the entire U.S. prison system, and the American innovations, in combination with the Irish system, had great impact upon European prison practices, leading to innovations such as the [Borstal system](http://www.britannica.com/EBchecked/topic/74508/Borstal-system) of rehabilitation for youthful offenders in the 20th century.

**Types of prisons**

Prisoners are distributed among a variety of types of institutions. Most countries operate national prison systems that are supplemented by state or provincial counterparts. In the [United States](http://www.britannica.com/EBchecked/topic/616563/United-States), for example, criminals sentenced for federal offenses are held in institutions of varying levels of security operated by the Federal Bureau of Prisons. The majority of prisoners are held in state institutions, some of which house several thousand inmates in high-security facilities. Prisoners who have been charged with minor offenses, or who are serving short sentences, are most commonly held in municipal jails.

**Supervision**

In the 19th and early 20th centuries, prisons were viewed as total institutions that exert control over every aspect of a prisoner’s life. In addition to scheduled routines—such as for meals, rising and retiring, exercising, and bathing—many other aspects of the prisoner’s life were subject to strict supervision. In the later 20th century, however, penologists recognized that not all prisoners required such close supervision and that excessive surveillance risked institutionalizing the prisoner to such a degree that it could undermine his preparation for release. Many countries have since encouraged prisoners to take responsibility for their actions, to use their time in prison to examine their previous behaviour, and to learn skills that will help them to lead a law-abiding life after their sentence has been served. Prison programs may involve education, industrial work, vocational training, and instruction in what are known as “life skills” or “survival skills.”

Wherever possible, prisoners are permitted to maintain (or in some cases develop) contact with their families. This is important not only for the prisoner but also for the family members, who have a right—as expressed in Article 12 of the [Universal Declaration of Human Rights](http://www.britannica.com/EBchecked/topic/618067/Universal-Declaration-of-Human-Rights-UDHR) (1948)—to maintain contact with their parent, child, or sibling. In some countries, visits with families take place under close supervision, in rooms where staff are always present and where visitors and prisoners are allowed little direct contact. Prisoners in maximum-security facilities are sometimes separated from their visitors by solid glass screens. Prisons in some eastern European and Central Asian countries provide special visiting units where families and prisoners can live together for up to three days. Similar arrangements exist in [Canada](http://www.britannica.com/EBchecked/topic/91513/Canada) and some U.S. states. Several Latin American countries permit family members to enter the prisoners’ living accommodations on weekends.

**Order and discipline**

Although prisons are intended to be institutions where good order prevails, it is possible for order to break down in certain circumstances. It is the responsibility of prison administrators to ensure that each arriving prisoner understands what type of behaviour is expected and what acts are forbidden. In addition, there must be a clear set of disciplinary sanctions for acts of indiscipline. In all such cases the normal processes of natural justice should apply. This means that a prisoner who is accused of violating prison rules should be told what the charge is and who is leveling it. The accused prisoner should have the opportunity to attend a disciplinary hearing, to enter a defense, and to question the evidence presented.

Any resulting punishment should be proportional to the offense that was committed. Serious acts, which would usually be classified as criminal, should be dealt with in a more serious manner; in some countries, such as the United Kingdom, this involves referring the case to the civil police. In other countries, such as [France](http://www.britannica.com/EBchecked/topic/215768/France) and Spain, these cases are handled by a visiting judge or magistrate.

**Prisoners’ rights**

As an aspect of [human rights](http://www.britannica.com/EBchecked/topic/275840/human-rights), the concept of prisoners’ rights has been upheld by a number of international declarations and national constitutions. The underlying assumption—that people who are detained or imprisoned do not cease to be human beings, no matter how serious the associated crime—was expressed in the [International Covenant on Civil and Political Rights](http://www.britannica.com/EBchecked/topic/275840/human-rights/219340/The-International-Covenant-on-Civil-and-Political-Rights-and-its-Optional-Protocols), Article 10, which states, “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.” This rests on the principle that the deprivation of liberty (that is, imprisonment) is the operative punishment and that it should not be augmented by unnecessarily restrictive conditions.

The implications of this principle have been recognized by many countries. In the [United States](http://www.britannica.com/EBchecked/topic/616563/United-States), for example, prisoners may bring legal action under the provisions of the U.S. Constitution—notably the Eighth Amendment’s prohibition of “cruel and unusual punishments” and the Fourteenth Amendment’s guarantees of [due process](http://www.britannica.com/EBchecked/topic/173057/due-process) and [equal protection](http://www.britannica.com/EBchecked/topic/190583/equal-protection) of the laws. In some cases, courts have ordered state prison administrators to make major improvements in prison conditions and disciplinary procedures or to close down particular institutions. In Europe, prisoners have the right to take cases to the [European Court of Human Rights](http://www.britannica.com/EBchecked/topic/196097/European-Court-of-Human-Rights-ECHR), but they may also utilize national courts.

Intergovernmental organizations (such as the [United Nations](http://www.britannica.com/EBchecked/topic/616264/United-Nations-UN)) and nongovernmental organizations (such as [Amnesty International](http://www.britannica.com/EBchecked/topic/21127/Amnesty-International-AI)) have lobbied worldwide in defense of prisoners’ rights, such as the right to expect personal safety and security while in prison. Prison authorities are particularly responsible for ensuring the safety of those most likely to be attacked or abused by fellow prisoners; these include former law enforcement officers sentenced for corruption (or similar crimes) and those guilty of sexual offenses against children. In some systems, such offenders have been put in solitary confinement for their own protection. Prison administrators are also responsible for protecting the racial, cultural, and religious rights of prisoners.