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TRAVEL NOTES ON ITALIAN PRISONS

MARVIN E. WOLFGANG

The author was formerly chairman of the Department of Sociology and Political Science in Lebanon Valley College. He is now on the teaching staff of the Department of Sociology in the University of Pennsylvania. He has lately returned from Italy where he had permission from the authorities to visit prisons in that country. Numerous allusions in this article to prisons and penology in the United States make it an especially interesting contribution. Mr. Wolfgang published his *Political Crimes and Punishments in Renaissance Florence* in our Volume 44, number 5, January-February 1954—EDITOR.

During the summer of 1953, the author and his wife had the opportunity to visit fourteen penal institutions while traveling through Italy.¹ It is on the basis of these visits that the following comments will be made. However, several notes of caution appear necessary for maintaining a scientific approach. A selective bias is present in the particular institutions visited, for the Ministry of Justice granted permission to visit only certain institutions. Furthermore, the institutions chosen by the Ministry were partly in keeping with a pre-arranged itinerary which the author had presented before leaving the United States. There was some attempt to provide as great a diversity of institutions as possible, and it is felt that there is little reason to suspect that the officials at Rome selected only the better prisons for inspection.

These visits were made with the primary purpose of observing Italian penal administration. However, because of the small number of institutions visited, this report is not presented as a comprehensive survey nor a detailed treatise. It is a personal account, to a large extent impressionistic, and with whatever errors such accounts usually possess, but wherever possible the observations have been checked by prison directors and compared with the *Regolamento per gli Istituti di Prevenzione e di Pena*² (Regulations for the Institutions of Prevention and of Punishment). Some allusions are made to our own institutions; several comparisons are made with the accounts by Novelli³, Cantor⁴, and Monachesi⁵, reported about twenty years ago; and wherever possible, improvements since the war are especially noted. Although a review of each institution would be more detailed and more in keeping with the classical Howard method of reporting, space permits only a few generalizations.

¹ The author wishes to express his gratitude to Dr. Carlo Erra, Executive-Secretary, and Dr. Luigi Ferrari, Director-General of Penal and Preventive Institutions, for granting permission to visit these institutions.

² *Regolamento per gli Istituti di Prevenzione e di Pena*, Ministero di Grazia e Giustizia, Roma, 1952.

³ Novelli, Giovanni, "The Prison Program of Italy," *The Annals of the American Academy of Political and Social Science*, Vol. 157 (September, 1931), pp. 208-220.

⁴ Cantor, Nathaniel, "The New Prison Law of Italy," *Journal of Criminal Law and Criminology*, Vol. XXVI, No. 2, pp. 216-227.

⁵ Monachesi, Elio, "The Italian Surveillance Judge," *Journal of Criminal Law and Criminology*, Vol. XXVI, No. 6, pp. 811-820.

A. GENERAL OBSERVATIONS

The penal code and rules for the administration of penal institutions passed during the early thirties remain essentially the same today. The institutions of the Judge of Surveillance⁶ (*giudice di sorveglianza*), the Council of Patronage⁷ (*consiglio di patronato*), and other important innovations of the earlier period are still in practice. The attempt to combine the classical approach, having an emphasis on retribution and repression, with the positivism of Ferri presents the same conflict of penal theory and similar difficulties of administration as earlier reported by Monachesi and Cantor. Specific details of this conflict are presented below.

As Sellin⁸ pointed out in 1926 with respect to prison reform accomplished in Belgium, revitalized interest in criminology and penology as well as new attempts to improve prison conditions in Italy have come partially from the personal experiences of many political offenders who were imprisoned under the Fascist government but who are now associated in one way or another with prison management and administration. Personal accounts of prison life told to the author by several workers in the field made abundantly clear the extent to which many of them are now able to empathize with the inmates in their charge. As a result, not a few improvements within several institutions have been due to the energetic work of the directors (wardens) themselves rather than to directives from the central authority in Rome. It is important, of course, to note that the entire penal system in Italy is under the central control of the Ministry of Justice, whose final authority is often required even in relatively minor affairs. From matters of policy to the transference of inmates from one institution to another; from the largest maximum security institution to homes for delinquent and dependent boys, control and organization are in the hands of the central authority.

Although there is a considerable amount of new construction and renovation of old buildings or buildings partially destroyed during the last war, most of the institutions are dark and dreary. Old convents transformed into woman's prisons and former maximum security prisons now used for housing children were found. This is not meant as a condemnation of these practices, for Italy is far less financially able to

⁶ *Ibid.* The Judge of Surveillance is a member of the judiciary who is also invested with administrative functions. Within his district he watches over the execution of punishment, assumes responsibility for transfer, discipline, and release of prisoners. Italian penal legislation establishes precise provisions defining sharply the provinces of surveillance judge and prison director in order to avoid dissensions between the two.

⁷ Cantor, Nathaniel, "The Councils of Patronage," *Journal of Criminal Law and Criminology*, Vol. XXIV, pp. 768-773. The Council of Patronage is similar to a prisoner's aid society. Each judicial district has such a council made up of representatives from the court, prosecutor's office, the directors of penal institutions within the district, the district health officer, the provincial agricultural, industrial, and commercial labor federations, the Church, two outstanding lay figures (one of whom must be a woman), and representatives from the National Association for the Protection of Maternity and Infancy. The Council is supported by both private and public funds and its major functions include providing permanent work for the released inmate and lending whatever assistance may be necessary to his family. The Council reports periodically to the Judge of Surveillance concerning the progress or failure of the persons in their charge.

⁸ Sellin, Thorsten, "Prison Reform in Belgium," *Journal of Criminal Law and Criminology*, Vol. XVII, No. 2, pp. 264-277.

provide the latest architectural designs of the new penology than the United States. Under the capable guidance of Carlo Vittorio Varetto, engineer and inspector general of the Ministry of Justice, much progress is evident in the construction and design of the institutions at Nisida, Turin, Catanzaro, Rome, and elsewhere. However, it is also apparent that the humanitarian, progressive philosophy of many prison administrations is forced to operate within an architectural and physical framework that is often repressive and almost medieval. At Padua men labor in workshops at which John Howard would have looked askance; the women at Perugia live in a large, dark, poorly ventilated building attached to the male prison; and the delinquent boys at Turin are locked inside double-barred cells, euphemistically labeled cubicles, at night. This reversal of the general culture lag thesis (in this case the material buildings appear to be lagging behind the non-material ideas) can undoubtedly be found in the United States (especially to be noted, perhaps, in California) as well as in Italy. There are probably more relatively new buildings, many of which are constructed on a cottage plan, in this country, but which nonetheless continue to use a "get-tough" policy with the inmates. It would be incorrect to say that in Italy they are operating with a white philosophy against a black physical background, whereas in this country we are functioning with a black attitude against a white environment. The separate state jurisdictions plus our federal administration make generalizations virtually impossible. However, the contrast is more noticeable when one compares the Italian penal system with our state systems.

Another general observation is that the size of Italian institutions appears to be going in two divergent directions. On the one hand, some of the newly constructed and planned institutions for boys are relatively small and widely scattered throughout the peninsula as is true of the *case di lavoro per uomini e per donne* (workhouses for men and women). In contradistinction to this movement, the *case di pena* (prisons) are larger institutions. Poggioreale in Naples houses 2,500 inmates and construction is still in progress. Rebibbia, *Le Carceri Giudiziarie di Roma*, (the Judicial Prisons of Rome), a prison project begun by Mussolini in 1938, now has only 250 men, but in keeping with the original plans, additional buildings are expected to be added as soon as possible, which would bring the total population close to 10,000, including four or five hundred women. Whether the original plans will be followed is somewhat doubtful, however. *Le Carceri Giudiziarie di Milano* (San Vittore) have approximately 1,500 men and one hundred women.

Italy, like several other continental nations, attempts to maintain dual penal systems which represent distinctly different approaches. The one is punitive, castigatory, determinate, repressive. The other is designed as preventive, detentive, indeterminate, rehabilitative. The former is classical penology, while the latter embodies the positivism found in Ferri's 1921 project. Two types of institutions are theoretically established with different work programs, different rules and administrations. A sentence to punishment (*pena*) places the individual under a mass program of deterrence, and he is labeled as a condemned prisoner. It is usually *after* they have served terms of imprisonment that certain types of offenders considered "socially dangerous" are required to spend additional time in one of the security institutions. The rationale behind these measures of security (*misure di sicurezza*) is individual

treatment and detention for the protection of society. Habitual and professional criminals, mentally abnormal offenders, and those with "obvious tendencies" toward criminality, including juveniles, fall into the socially dangerous group. The presumption is that castigation is not sufficient and that certain types of offenders require more concentrated treatment for proper adjustment to society.

Of course, adding a detentive to a punitive period of incarceration amounts substantially to a double sentence. Theoretically it is the task of the Judge of Surveillance to determine whether and when the "social dangerousness" of the inmate has ceased and the prisoner may be released. If the judge had at his disposal all the technical assistance which the new penology suggests, his decision could be as sagacious as the level of available knowledge permits. An advantage of this system is that the same authority responsible for the original sentence is likewise responsible for release. However, from what this observer could gather, the surveillance judge, who usually has many more offenders under his responsibility than he could possibly handle on an individual basis, generally releases the inmate detained for security purposes shortly after the minimum sentence has been served in the detentive or second institution. Apparently this has been the situation since the passage of the penal code, so that actually the directors of the security institutions recommend release after the minimum sentence and the judges generally accept these recommendations. It thus appears that, in many cases, being a good worker and a passive inmate are interpreted as social readjustment.

Like many penal institutions in our own country, the classification of prisoners is more an ideal goal or standard than a practical policy of administration. The most complete classification of inmates was found in the San Vittore prison in Milan. This prison is architecturally similar to the Eastern State Penitentiary in Philadelphia, with radial spokes emanating from an hexagonal center. Above each cell block is printed the particular article from the penal code which classifies prisoners into homogeneous groups by age and seriousness and frequency of offense. However, in most institutions the specialized groupings required by law are not feasible because of a lack of facilities. It should be pointed out that a concerted effort is made by the Ministry of Justice to control the homogeneity of separate institutions. In general, women are clearly segregated from men, although many women's institutions are merely attached to the latter. The mentally abnormal are usually sent to special institutions, but twelve prisoners were held in solitary cells at Poggioreale. Children are in their own institutions, but there often is no sharp line between the dependent, neglected, and delinquent. Because in Italy a man is presumed guilty until he proves his innocence, the untried are often mixed indiscriminately with the convicted although they are theoretically to be separated. At the *Casa di Pena per Femmine* (House of Punishment for Women) in Venice, under the able supervision of Marino Tamburrini, women who have been convicted of murder, infanticide, robbery with violence, recidivists and first offenders are comingled primarily because they are able to perform similar labor tasks. Those who work together sleep together. "The law calls for many divisions of the population by offense, age, etc.," said the director, "but we have dormitories here and not separate cells, so that practical problems of administration prevent proper classification." The one item for which greatest care

is taken to classify inmates is with respect to tuberculosis. In Naples, Rome, Venice, Milan and elsewhere, careful screening for tubercular prisoners occurs in each institution and there is constant segregation. This disease is relatively widespread in Italy and more so in the region around Naples than in Lombardy and Tuscany. The incidence both among the prisoner and non-prisoner populations appears commensurate with the poverty of the urban areas.

Although there are many overcrowded prisons in the United States, it could probably be said that most are not full. In Italy, despite its overpopulation, most institutions are operating considerably under full capacity. For example, Rebibbia in Rome maintains about half as many prisoners as capacity would allow; *Casa Rieducazione Minori* (House of Re-education for Minors) in Pisa has 110 children, but room for nearly 200; *Le Carceri Giudiziarie* in Venice average 300 to 350 inmates, but could comfortably house 500. This condition cannot necessarily be interpreted as an index of decreasing crime, for far too many variables are involved. One director suggested that a shift of emphasis on placing three or more men in one cell or making use of a dormitory plan by tearing down old dividing walls has greatly increased the capacity of each institution.

Most of the institutional directors are poorly informed regarding prison life and management in the United States. A prevailing attitude is one of envy for the great amounts of money they believe Americans spend on their penal institutions. Few names are known to them beyond Sing Sing, Alcatraz, and San Quentin, all three popularized by the cinema. As a result, it is erroneously believed that practically all of our prisons are massive institutions, fully equipped with all the latest physical advantages. A statement by one of the most progressive directors was typical of an attitude found everywhere: "American prisons make life too easy for the prisoner; they should not give him every comfort of home." An attitude was manifested by many of the prison directors which is not foreign to the ears of prison reformers in this country; namely, that we pamper our prisoners and provide them with a delightful country club atmosphere. This explains, they claimed, our continued high rates of crime. It should be remembered that these directors are not academic students of penology. Despite their training in penal administration in Rome, they know, as do many of our own wardens, little about penology outside their own country and are concerned primarily with the minute problems of their own administration. The prevalence of this same attitude was, however, both striking and interesting to an American visitor.

B. SPECIFIC OBSERVATIONS

Neither space permits nor necessity requires a complete description of each institution. Therefore, typical examples will be used to describe the variations observed. The specific observations may be grouped as follows:

Administration

Because the Ministry of Justice in Rome and the Judges of Surveillance exercise authority over their districts, there is relative uniformity in the standards of administration. Penal directors function within the framework of the *Regolamento*,

which does, however, grant sufficient flexibility and discretion to meet the needs of their particular institutions. Training in courses of administration in Rome provides a special academic basis upon which experience is built. Personal initiative in introducing needed changes and reforms in the minutiae of prison life, is, however, a significant variable. With the permission of the central authority, some directors have inaugurated changes themselves, while other directors maintain the *status quo* until requested specifically by Rome to do otherwise. Administration, staff, and the general nature of the institutions range from the slovenly, unkempt, unsanitary appearance of the prison at Padua to the hygienic, well-organized conditions at Milan.

Guards in men's prisons have military status, wear soldiers' uniforms, and are paid in accordance with their military rank. Only sentinels in wall towers are armed. Guards live in special dormitories provided for them within the prison walls, but are too frequently transferred either to another institution or to some other phase of military duty to learn special skills related to their custodial tasks. It is almost ironic that some of these guards are paid higher salaries than the director under whom they serve. The director at Poggioreale, for instance, receives approximately 60,000 lire per month (less than \$100), while some of his guards receive more than 70,000 lire. The fact that these guards are married and have several children, while the director is a bachelor plays a role in the differential salaries.

Perhaps partially because of the presence of military personnel in prisons for men and partially due to the continental ethos, respect for authority and subservience to those of higher status in the administrative hierarchy are striking characteristics to an American visitor in Italy. Guards, clerks, shop foremen, physicians, psychologists, and inmates rise from their seats, jump to attention, and usually salute as the director, without acknowledging these gestures, passes through the institution. In most cases, printing presses come to a halt, needle and lace are placed on a table or dropped to the floor, and inmates rise in unison as the director enters the room.⁹ Sisters, who guard the women, are politely attentive and ready to render whatever service the director may desire, but do not salute. Small children are firmly disciplined but are given greater freedom in their relationships with administrative personnel until they reach the age of fourteen, the age at which the law recognizes legal responsibility. Additional aspects of administration are discussed under separate headings below.

Physical Provisions

Although important, only passing reference can be made to the architectural design of Italian institutions in addition to what has been said. Where facilities permit, dormitories are more prevalent in children's and women's institutions. Almost universally where separate cells or cubicles are found, outside cell block construction has been employed. The diffusive influence of the Pennsylvania separate system, the conversion into penal establishments of old convents, with separate rooms for Sisters, and the greater cost of inside cells were responsible for the present conditions. Rebibbia, the relatively new prison outside of Rome, has 48 cells in each of four tiers,

⁹ It is interesting to note that in many cases prison staffs use the *Lei* form for "you" rather than the *Voì* with prisoners. The latter form connotes a sense of inferiority. This change, considered important to Italian prisoners, has occurred since the war.

and three to six men in each fifteen-square-foot cell. Windows three feet high and two-and-one-half feet wide provide sufficient light and air when needed. At Padua thirty men are housed in each dormitory that faces the inside court of the prison. The *Carceri Giudiziarie* in Venice have one man per cell and four tiers. Each cell is approximately three feet wide, seven feet long, and nine feet high. These too were outside cells on either side of a middle corridor. Men and women in the two other institutions in Venice are housed in dormitories of twenty to forty persons, whereas women in Milan live three together in most of the fifty-four cells. As mentioned, San Vittore has a construction similar to the Eastern State Penitentiary in Philadelphia. In the Milan prison, however, there are four tiers in each of the radiating cell blocks, with 128 cells in each block.

Among the institutions for dependent and delinquent boys, Nisida possesses four separate dormitory buildings, each with two floors, thirty beds to a floor, the beds two feet apart. In Pisa new sleeping quarters have been constructed since the war, and eight boys sleep in each well-ventilated, clean, bright room. Beds are three feet apart. In Bologna each boy is in a separate room, that has neither bars nor a lock. In both Rome and Turin there are combinations of cells for punishment and dormitories for boys under observation or rehabilitation.

Variations in medical care, food, bathing facilities, and other physical provisions are great. In some cases there are resident physicians in the institution, including dentists, psychologists, and psychiatrists who make periodic checks on inmates. In others, medical and other care are provided by local specialists only when there is need. The best care exists at San Vittore in Milan, where practically every branch of medicine is represented by thirty physicians who are members of the staff. However, this institution is a central penal hospital for Lombardy and over 350 operations are performed here each year. Two dentists come five days a week, psychological examinations are administered, and psychiatric interviews are given to each inmate.

Frequency of bathing ranges from a bath every other day for the boys at Nisida and a bath or shower every two or three days for the women at the *Casa di Pena* in Venice to a shower twice a month for men in the *Carceri* at Venice and the Orvieto institution. The institutions are about equally divided between providing facilities for inmates to bathe once a week and twice a month.

Usually, whenever possible, inmates of women's and children's institutions eat together in dining rooms either at long tables with benches, or, as in Bologna, at small tables for four. Quite to the contrary, in all of the men's prisons except Orvieto, inmates eat in their cells. Lunch at Padua, the highly productive male prison, is eaten at the workbench. Detailed lists of food served in specific institutions for men, women, children, tubercular inmates, etc. are uniformly prescribed by the *Regolamento*. By American standards the food is inadequate and monotonous. The average Italian prison diet must, of course, be judged by the general prevailing conditions of the non-prison population in the same country. Even by these standards, however, meat once a week is less than average among the general population. Up to one-half litre of red or white wine or beer of no more than 10 percent alcoholic content is permitted each inmate per day. This is obviously a good example of cultural variation since this privilege is not extended to American prisoners.

The *Regolamento* similarly prescribes standards of prison clothing. Tattered, torn, and very old clothing without stripes is typical. Many boys at Nisida are shoeless even while manufacturing shoes, although sandals are the usual footwear. Beds with only a mattress cover and no sheets are as common as those with sheets. Central heating is being installed at San Vittore, but elsewhere small stoves are used to heat long corridors as at the boys' institution in Turin, a former maximum security prison. Winter dampness in such cases can hardly be exonerated from contributing to the incidence of tuberculosis.

In most institutions inmates may purchase wine, tobacco, and other sundries as in this country. Variety may be less, but similar privileges prevail. Additional provisions are described below.

Classification

As previously mentioned, the Ministry of Justice makes an earnest effort to maintain homogeneous institutions, although physical facilities often prevent segregation within institutions by age or offense. The *Regolamento*¹⁰ clearly designates fifteen different types of institutions under a tripartite classification: institutions of (1) preventive custody, (2) ordinary punishment, (3) special punishment. In addition to these there are eight types of institutions for execution of the administrative measures of detentive security.¹¹ Women, children under eighteen, habitual and professional criminals, physically and mentally abnormal offenders are usually adequately separated from others. In boys' institutions there is usually, as at Rome and Turin, classification of those under study and observation, awaiting adjudication, undergoing re-education, prevention, and punishment. Women with children under two years of age are provided special quarters where they may give the full maternal affection and attention to their own children which some specialists deem important for infant care and training. At Poggioreale, twenty-four mothers sleep in a dormitory room contiguous to the clean, airy quarters for their babies, where each child is in its own tidy bed adorned with lace and ribbons. Mothers do not work, but give undivided attention to their children with the guidance of the Sisters.

Discipline

Specific rules to govern the directors in the maintenance of discipline are found in the *Regolamento*. The fact that discipline involves granting rewards as well as meting out punishment is not overlooked, and special privileges are granted to prisoners for outstanding service rendered and work performed. The type and degree of punishment vary with the nature of the infraction and the nature of the institution in which the inmate is incarcerated. No punishment can be inflicted without first having heard the prisoner.¹² Under Article 149, provision is made for a council of discipline, composed of the director, the functionary of immediately lesser grade, the chaplain, and the doctor; and the deliberations of these councils must be communicated quarterly to the Ministry of Justice. Space does not permit a complete cataloging of the various

¹⁰ Articles 21-25.

¹¹ Article 256.

¹² Article 148.

kinds of punishments which directors are permitted to use to maintain order and discipline in their institutions. There is one interesting and general comment that seems called for in view of a considerable amount of disorganization and unwarranted arbitrariness of prison wardens and superintendents in some of our own county and state penal institutions. The articles of discipline in the *Regolamento* delimit the arbitrary decisions of directors and provide protection to the individual prisoner by law. Like the two-fold classification of equitable punishments for the same crimes found in the classical Beccarian philosophy, the articles of discipline rather clearly list specific measures of discipline for a list of specific intra-institutional violations. Undoubtedly, as several directors pointed out, there is still much leeway in a decision to make use of the prescribed measures. However, each director was careful to make reference to the *Regolamento* when asked about the means of discipline, and tried to make clear that he consistently abided by the articles. It was, of course, difficult to determine whether there were any "cruel and unusual" punishments employed, but existence of inspection and relatively close supervision maintained by capable personnel in the Ministry of Justice, the special training which directors receive in Rome, and the institution of the Judge of Surveillance all suggest that the directors generally abide by the disciplinary prescriptions. Because punishments are not necessarily mandatory as the crime-penalty schema of the classical school suggests, equity and consideration for the personality of the offender are possible.

A few examples of the types of punishment permitted for various infractions reveal the general nature of the *Regolamento*.¹³

1. An admonition, made verbally by the directing authority, in the presence of an employee, commander, or the head guard for infractions which include: first offenses which are not severe; carelessness in the cleanliness of the person, cell, cubicle, or place assigned in the dormitory or workshop; negligence in work or in school; infraction of the rule of silence.

2. Deprivation of *passaggio in comune* (literally, "walking in common") from one to ten days (one to eight for women) for infractions which include: abandoning post during the day without permission; repose in bed during the day without justification; waste produced by simple negligence of the material of the prison; execution of works other than those ordered.

3. Isolation in cell (regular meals) from one to twenty days (one to ten for women) for infractions including: clandestine possession of forbidden objects; efforts at abuse of correspondence and visiting privileges; bargaining without authorization; execution of clandestine works; destruction of objects or of food; habitual negligence in work or in school; violations of the obligation to carry out promptly and respectfully orders received; use of obscene words and profanity; starting quarrels with companions; soiling the walls or objects of the prison.

4. Isolation in cell, and bread and water, from three to fifteen days (same for women) for infractions which include: unwarranted shouting, singing, swearing, or communicating with other prisoners or outsiders; unapproved games; omission of devotion to work and school; pretended illness; acting arrogant toward the guards; abandoning, without permission, during the night, of bed and assigned place; lies or unbecoming expression in letters to the authorities; protests to judicial or administrative authorities manifestly unfounded, or insistence on claims on which competent authorities had

¹³ Adapted from Articles 147-172, *Regolamento per gli Istituti di Prevenzione e di Pena*, Ministero di Grazia e Giustizia, Roma, 1952. These rules should be compared to ATTORNEY GENERAL'S SURVEY OF RELEASE PROCEDURES, Vol. V, PRISONS, U. S. Department of Justice, Washington, 1939, Chapter 5, *Discipline*, and to MABEL ELLIOTT's recent survey reported in her *CRIME IN MODERN SOCIETY*, Harper and Brothers, New York, 1952, Chapter 24, *Prison Discipline*.

already pronounced, without citing new circumstances; acting irreverently in assisting in religious worship.

5. Isolation in cell with a flat bench instead of ordinary bed, with one cover, bread and water, from three to fifteen days (three to ten for women) for infractions which include: alteration of the books of current record and of food for the purpose of profit; refusal to obey orders of guards or of the foremen not prisoners in the institution; injuries, maltreatment of companions, and starting violent altercations and quarrels; stealing; attempted escape; conducting oneself irreverently toward employees and visitors; collective protests; clandestine communication or correspondence with prisoners or outsiders; illegitimate profit on work, food, objects of property or property of other prisoners; injuries, threats, or attempts at violence against guards or foremen not prisoners; obscene acts or acts contrary to good custom; injuries or threats in letters to the authorities; continual noise; inciting companions to commit disorder and other grave offenses.

6. Isolation in cell, bread and water, on Monday, Wednesday, and Friday of each week, from one to three months (one to two months for women), (*cella aggravata*), for infractions which include: escape; tumult, riot, violent rebellion, shouting which is calculated to incite companions to rebellion, and refusal to submit to punishment inflicted; injuries or threats or attempts at violence against employees and visitors; refusal to obey orders of superior personnel in prison; violence against guards; grave disorders.

The authority competent to apply the preceding punishments from numbers 3 to 5 can substitute for them reduction of remuneration by one-half for a time not longer than a month.

The prisoner who disturbs order and discipline by infractions other than those mentioned expressly in the rules, or commits more infractions, is punished according to the nature and gravity of the offense.

Not all the infractions in the *Regolamento* are mentioned in the above list, which is intended only as illustration of the tenor of the rules. It is interesting to note that punishments for women are less severe only with respect to the number of days involved. However, pregnant women, mothers whose children are two months old or less, and nursing mothers for the first year receive only the first three forms of punishment.

Comments by directors of institutions visited indicated that these disciplinary measures were not frequently used. Rarely were prisoners seen in solitary confinement. The relatively common practice in the United States of reducing or taking away privileges without solitary confinement was apparently not employed as a mild form of punishment. In women's institutions it was claimed that isolation was almost non-existent but that admonition was the most common punishment. In all three Venetian institutions, discipline was very mild and the director pointed out that prisoners under his authority receive regular meals regardless of the reasons for isolation. At San Vittore in Milan there are twenty cells available for isolation, but there too no bread-and-water diets are given. Before the war such restricted diets were common. At the Institution for Social Readaptation in Orvieto there are four damp, dark solitary cells and the most severe punishment is confinement for fifteen days with bread and water. Among the children's institutions, the authorities at Bologna said that the only punishment used on problem boys was isolation, usually for a few hours, and at the most for one or two days. In no case was a bread-and-water diet used. As at Turin, the director or other functionaries in each boys' home make earnest efforts to reason with the difficult cases and by interviews seek underlying causes of maladjustment.

One final and interesting comment is in order regarding the role of discipline in the

prison at Padua. The director, head guard, and prisoner interviewed agreed that because all prisoners there were engaged in productive labor for which they received wages higher than in any other Italian prison, the men were restricted voluntarily from disobedience. Motivation for relatively high wages was a sufficient deterrent. But perhaps of equal interest is the fact that reduction of remuneration rather than solitary confinement is used at this prison even for such serious infractions as possessing a knife or beating a fellow prisoner, for which other prisons would undoubtedly isolate the offenders. This differential treatment of Paduan inmates is not due to a "progressive" penal philosophy, but to a simple demand for the greatest amount of labor from each prisoner. Private contracts are filled on time schedules and each inmate has his specialized task to perform in production. The Rusche and Kirchheimer thesis seems to find added confirmation in these facts.¹⁴

Labor

With labor conditions none too good in Italy in 1953—unemployment relatively high and wages low—it could hardly be expected that prison labor would be able to maintain high standards. Yet probably more prisoners are employed at productive tasks than in the United States, despite the fact that, or perhaps because, mass production is on a smaller scale in Italy. Variations in definitions of idleness and productiveness in both countries as well as differences in types of institutions make generalizations difficult. In some cases only the convicted and sentenced were working, in others, the untried were employed. At Poggioreale in Naples, 1,100 of the 2,500 inmates were working, while the remaining were permitted to do as they wished, from painting in their cells to writing books or engaging in other more personalized pursuits. At San Vittore in Milan sixty per cent of the men are productively engaged, although work here, as at the *Carceri* in Venice, is not obligatory, and there are many private handicrafts. Work is required and virtually universal among the inmates at Padua, Rebibbia in Rome, *La Casa di Lavoro* in Venice, *Lo Stabilimento di Riadattamento Sociale* (Institute of Social Readjustment) in Orvieto, and the various women's prisons. In general, it may be said that under sentence of punishment (*pena*) prison labor is viewed as obligatory and punitive. Incarceration as a preventive or detentive measure implies that the inmate is expected to learn a trade, to engage in tasks productive both to the state and to his own development so that he might better be equipped to make an adjustment upon release. The latter approach is applied in the case of juveniles. Here again can be seen the theoretical classical-positive dualism of the Italian penal system. However, as Cantor pointed out during the early days of the new reform, little actual difference in the type of labor in punitive and detentive institutions can be found. The differences that exist are not in terms of the physical conditions under which the inmates must work, nor the specific work performed.

Beneath the superficial similarities, on the other hand, are differential attitudes of both prison personnel and inmates toward labor, and it is on this covert level that the dualism is most clearly manifested. Machine shops and machinery in the two

¹⁴ Rusche, Georg, and Kirchheimer, Otto, *Punishment and the Social Structure*, Columbia University Press, New York, 1939. The central thesis of this work is that the character of punishment is inextricably related to and dependent on prevailing culture values, particularly economic forces.

types of institutions may seem almost identical, but an underlying attitude in the one is "punishment at hard labor" while in the other it is "vocational training" or labor to aid in "social readjustment." Although these differences may sometimes be more apparent than real, it would be unjustifiable to label the terms mere euphemisms. Under punitive incarceration work is meant to be primarily productive and in so far as possible economically profitable to the state. Under detentive or preventive measures work is assumed to be training and treatment, and profit to the state is considered in terms of rehabilitated individuals.

Typical types of labor in men's institutions include tailoring, weaving, woodworking, metal working, shoemaking, making machinery, printing. At Rebibbia farming is extensive both inside and outside the prison walls. Occasionally four or five men are permitted to work outside the walls on the farm lands without guards, but usually teams of men are carefully watched. At this prison, men are required to work. At children's institutions vocational training plays a predominant role in each of the kinds of work just mentioned, and many of the boys take state trade examinations prior to release to determine their proficiency by outside objective standards. Men usually work eight to ten hours per day and boys four to six. Women work six to seven hours each day in lace and embroidery, knitting, sewing, making clothing for male prisoners, taking care of gardens and small farms. Great pride in their work was expressed by most inmates, but especially on more personalized handicrafts such as those in which women engaged.

Most labor is for state use, but more extensively than in this country contracts with private companies engage the labor of prisoners. Work performed by women is largely under private orders from local communities. Embroidered tablecloths, artificial flowers, and other objects increased in value because of hand labor are sold by the women who receive a larger portion of money than working under the state use system or doing maintenance work. At the *Carceri* for men in Venice inmate oil paintings and handsomely carved gondolas are sold to visitors for modest but profitable sums. At the *Casa di Lavoro* (Workhouse) in the same city the private contract system prevails in printing, furniture manufacturing, and rope making. The last is particularly important to the water-traveling population of Venice. The state owns the buildings at this institution, but all the equipment and the supervisors are under the aegis of the private companies. Shoemaking, tailoring, and the manufacturing of aluminum pans and dishes are, however, performed by and for the state.

Wages vary considerably from 150-350 lire per diem (620 lire to one American dollar) depending on the type, the quantity, and the quality of the labor performed. Almost invariably prisoners are paid all but twice as much for contract labor as for state work.

A most interesting and exceptional situation exists with respect to prison labor at the *Casa di Reclusione di Padova* (House of Confinement of Padua). Thirty years ago contract labor with private companies was introduced and today continual large contracts exist in the manufacturing of furniture, bicycles, motorcycles, sport shoes, basketballs, and footballs. Sixty thousand kilos of bread are baked every day, not only for prison use, but for sale to hotels and restaurants in the city as well. In twenty workshops are manufactured every day approximately 200 bicycles, 20 motor-

bicycles, 1,020 football and skating shoes, and 1,050 balls. For six days a week, the 680 men work eight hours each day, or ten if they wish additional pay. There are three categories of remuneration, depending on the length of service and the rapidity of work, for workers are paid per quantum produced. Mean wages amount to 60-65 lire per hour (slightly over ten cents), the highest of Italian institutions. Inmates, prison directors, and personnel in the Ministry of Justice all agreed that being transferred to this institution was the hope of most prisoners throughout Italy because there is more work and higher pay to be had. The men are usually able to save a sizable sum by the time of release, sometimes more than it is possible to do out of prison. Only convicted offenders, and men trained in their task are granted a coveted transfer here, for there is practically no initial training provided. Occasionally the private contracting companies scout other prisons for reliable, experienced workers and suggest transfers. There appears to be no genuine classification of offenders in this institution; physical conditions are poorer than in any other institution visited; administration is none too orderly; workshops are poorly ventilated, damp, and dark; clothing is worse than elsewhere. In no physical respect, from either American or Italian standards, can this institution be called desirable or even adequate. Nonetheless, the private contract system has eliminated idleness and provides high wages which attract prisoners everywhere. The director, aware of the physical inadequacy of his institution, claimed that because prisoner morale was high, disciplinary problems were at a minimum. It was evident from observing the nature of the institution and personnel, that research on adjustment of the offender discharged from *La Casa di Reclusione di Padova* would make a most interesting project.

Education

It may be sufficient to say that the juvenile and most of the male institutions have adequate educational facilities, many of which have been inaugurated since the war. Inmates are usually divided into three or five classifications depending upon their previous schooling. Special classrooms with either resident teachers or instructors brought in from the local region are available. Certificates of graduation without a penal designation are given for completed work, as in this country. The boys at Pisa attend classes in the city rather than in the institution, while occasional trips to art and other museums in Naples provide additional experiences for the juveniles at Nisida. The range of education is from classes for illiterates to vocational training and recommendation by the director to the Ministry of Justice for university training for boys at Turin. At Nisida, Rome, Pisa, and Turin, tool-making, woodworking, and shoemaking are typical trades learned in the afternoon after having a morning devoted to academic work. Sculpturing, metalwork, and other kinds of handicrafts are usually provided for young offenders; while similar hobbies, including painting, are permitted inmates at Orvieto and Venice. It appears that educational facilities are generally lacking for women. Whether this can be taken as a reflection of the prevailing patriarchal attitude toward women in Italy is not definitely known, but suspected. Although no institution for girls was visited, the differential educational orientation for male and female adults was obvious.

Libraries are generally small and probably inadequate if judged by the large and

adequate library at San Vittore in Milan. Here, as in other institutions, the priest supervises the library and provides opportunities for learning library mechanics to some inmates. In Milan, quite uniquely, three large rooms house over 15,000 volumes in many languages. An established policy of periodically purchasing new books is in operation, and circulation is claimed to be greater here than elsewhere. Furthermore, 1,400 volumes for the women's section is the highest per inmate of any female institution visited.

Moral lectures intended to inculcate abiding social and religious norms are given by the religious counselors, Sisters, psychologists, and other staff members in some institutions. Proposals for greater use of "moral education" have been made by Monsignor Chiot, since 1914 a worker for penal reform and recently commended by his government, and are at present under study by the Ministry of Justice. In simplified form, his scheme calls for moral lectures and participant discussions similar to group psychotherapy during which the prisoner is "elevated psychologically and morally to the point where he is free of his previous anti-social attitude. In proportion to his self-liberation of thinking and will, a gradual liberation of punishment should take place until he is capable of being released."¹⁵ This program assumes that the criminal is to a certain extent the result of forces beyond his control and that he needs moral training to aid him to become the free moral agent he never had an opportunity to be previously.

Recreation

Particularly since the last war, many new recreational measures have been introduced. Most prominent among these have been the cinema and radio. At Poggioreale the present director, who has been there four years, was able, with charitable contributions, to set up a small but well-equipped cinema which operates daily for fifty-men shifts. A new standard-sized soccer field for men and an exercise yard approximately twenty-five feet long and twelve feet wide for women are in use. At *La Casa di Reclusione* in Padua, where the prisoners have little time for recreation because of their long work hours, they play football in the dirt-and-cobblestone courtyard on Sunday and have a film on the same day. Like the Naples prison, a radio loudspeaker sends music into the living quarters, in this case between five and ten in the evening after the cell doors close and before lights are extinguished. *Le Carceri Giudiziarie* in Venice have plans and hope for sufficient money to install shortly radio speakers in each cell, but as yet have none. At the *Casa di Lavoro* for men in the same city movies are shown in the dormitory-style rooms, but a large room in a newly planned recreation building will soon be set aside for such purposes. Only in the *Casa di Pena* for women, also in Venice, is radio music piped into the shops where the inmates work, thus easing, to some extent, the monotony of their daily needlework. A radio amplifier and basketball court provide entertainment at Orvieto, while Milan has a loudspeaker and a large theater that seats 500 men at one time which is used both for producing plays and showing films. Brightly colored murals painted by several prisoners surround the room. The women at Perugia are shown a film twice a month, but apparently have little other recreational facilities.

¹⁵ Based on communication and interview with Monsignor Chiot.

A large yard within the prison walls at San Vittore is available to the men one hour each day for a promenade and for games. Ordinarily, the institutions have relatively small areas for such unorganized activity. In the light of the historical diffusion of the separate system of imprisonment throughout Europe during the nineteenth century, it is quite interesting to note that the *Carceri* at Venice still have about a half dozen exercise yards approximately thirty feet long and seven feet wide, separated by fifteen-foot walls. Remnants of the old separate system requiring no association among the inmates, and reminiscent of the original Cherry Hill prison in Philadelphia, these yards are no longer in use and are replaced by larger areas which nevertheless divide the men into classificatory groups and are separated by high walls.

As might be expected, the institutions for juveniles have many more recreational facilities. Nisida provides many open spaces for various kinds of organized games including a volley-ball field. Four indoor game rooms are at their disposal, especially for winter use, during two-and-one-half hours each day. An entire building is devoted to mass entertainments, in which is a room with a theatrical setting at one end and a movie screen at the other. There is even a special place for bathing in the Bay of Naples, although isolation from the general population is strictly maintained.

The *Centro di Rieducazione per Minorenni* in Rome, which includes the old section set up by Pope Clement XI, similarly has abundant facilities for the boys, including several recreation rooms with table tennis and other indoor games, and a basketball court and movie screen in the central corridor of the old, original cell block. Bologna has a gymnasium, cinema, and theater; Turin, a large soccer field, a radio loud-speaker, movie once a week, a new indoor gymnasium for winter sports, and training for orchestra or band.

One of the most important developments since the war has been the establishment of summer camps (*Colonia Marina*) usually near the western seashore. Here boys with records of delinquency and of other problems of maladjustment are sent from various regions to live outdoors, swim in the sea, go on camping trips, and in general experience a Boy Scout type life for several months between June and September.

Finally, inmate publications provide a source of educational and recreational expression. The *Risveglio*, (Awakening), of Poggioreale, *Rinascita* (Regeneration), of the *Centro Rieducazione Minorenni* (Re-education Center for Minors) in Turin, *La Tradotta* (The Transference), published at the boys' institution in Rome, and *Il Faro* (The Watchtower) of the *Riadattamento Sociale* at Orvieto are publications that are well above the average American inmate newspaper or magazine, save perhaps *The New Era* (Lewisburg, Pennsylvania) and *The Atlantian* (Atlanta, Georgia), with which the Italian papers compare favorably.

Religion

Although the church and state are technically separated so far as the penal system is concerned, and any combination of the two was positively and vociferously denied by all directors, there is little doubt that religion plays a prominent role in each institution. The *Regolamento* states that prisoners who, upon entering the institution, do not declare themselves as belonging to another religious confession, are

obliged to follow the collective practice of the Catholic faith.¹⁶ Furthermore, the director and other functionaries are expected to assist in turn at religious functions.

Invariably the chapel is the cleanest, brightest, most pleasant part of the prison. Even at Padua, the physically poorest prison visited, the chapel stands as a symbol of sanitation as well as virtue. A Romanesque chapel with special lighting effects is the pride of the Orvieto institution. Where there is no separate chapel, as at the *Carceri Giudiziarie* in Venice and San Vittore in Milan, a large stone altar and pulpit situated in the center of the radiating cell blocks, from which mass is conducted over loudspeakers. If the women at Venice find that their dormitories lack provisions for keeping personal possessions, and if constant needlework becomes monotonous, they are assured of a spacious, elaborately decorated chapel boasting an Italian art masterpiece. Sisters of the church, although paid by the state, guard all female prisoners. The Sisters are garbed in religious dress; candles flicker in dark corridors; small religious paintings and crucifixes adorn dining rooms, hallway corners, and cells of the women. Often, as at Perugia, women are housed in old convents, which lend an additional religious air to the tenor of life. Contrast between the immaculately clean guardians and the disheveled, poorly clothed women prisoners is unavoidably obvious. The directors of these prisons are males, and each one had extremely laudatory comments to make about the Sisters, "who are most sympathetic and kind."

The attitude of expiation for one's sins, meditation, and the influence of religious ethics predominate in these prisons. Much could be said in favor of these educated and devoted religious workers, and perhaps the same encomiums which Mabel Elliott¹⁷ heaps upon the Sisters at Maria Nostra, the women's prison near Szob in northern Hungary, are appropriate here despite the more apparent than real separation of church and state in Italy.

Women attend chapel every morning, while men are expected to hear mass but once a week. The priest is an important staff member in each institution, whose major tasks are interviewing, recommending release for those no longer considered "socially dangerous", conducting mass, hearing confessions, censoring mail, supervising the library, and conversing with family visitors. He is considered one of the most active and indispensable members of the staff. He becomes an ego-ideal to adults and a father-surrogate to boys. If each is held in so high respect and deep affection by both staff and inmates alike as is the priest at San Vittore in Milan, then surely his contribution is inestimable. Of course the relatively universal Catholicism of Italy must be remembered in any appraisal of the role of religion in Italian prisons.

Sex Problems

Homosexuality was described in vague terms as one of the serious problems of administration in most of the large male institutions for punishment; but in women's prisons, in the Institution for Social Readaptation at Orvieto, and in most of the boys' institutions, sex problems are relatively rare. The most common preventive

¹⁶ Article 142.

¹⁷ Elliott, *op. cit.*, p. 724.

measure employed almost everywhere is to place three men in the same cell, so that pairs would be deterred by the presence of a third party. It is believed that this informal method of primary group control is the most effective prevention of homosexuality. From all reports, the problem has been reduced as a result of this device. The director at Rebibbia claimed another advantage for the three-in-one-cell measure: two of the men are usually sentenced to long terms and one to a short term, or has only a short time remaining to serve, and any escape plans by the former two are more likely to be deterred by the short-termers, who will, it is expected, report the plans to the administration. In some cases it was reported necessary to transfer an offender with homosexual proclivities to another institution in order to break up undesirable relationships which had developed. At any rate, two men alone are never placed in the same cell. It is either solitary confinement or three or more.

An interesting suggestion was offered and supported by the majority of the staff at Poggioreale to permit prisoners occasionally to cohabit with their wives within the institution. Director D'Amelio rejected the proposal on several grounds. He contended that since priests are required to lead a celibate life and do so successfully, there is no reason why prisoners should not be expected to do likewise. After admitting that priests and prisoners can hardly be equated, he further claimed that a prisoner would never know whether his wife had been faithful and that children resulting from the proposed relationships would merely become additional dependents and burdens to the state. This same director did, however, introduce the possibility of getting married in his prison chapel in a ceremony which he himself conducts.

Finally, it should be mentioned that the penal code prescribes means for—and institutions, such as *La Casa di Lavoro* for men in Venice, permit—some rehabilitated men to visit their families for trial periods ranging generally from fifteen days to two months. In Venice, 30 of the 160 men were on home visits. It is unnecessary to point out the obvious relationship between such a program and the reduction of sexual problems in prison. Should the trial period prove unsuccessful, a year is added to a man's sentence when he is apprehended.

Research

In several institutions, research on the nature of treatment best suited to the needs of inmates who are under detention is being conducted. Except in the case of children, there is little study of the etiology of crime within the institutions. The collaboration of university professors and students with prison staff on research and study is, however, evident in many places. There still appears to be a greater emphasis on genetic rather than on sociologic factors as evidenced by research projects and by comments of staff members, although increasing attention is given to psychological characteristics of the offender. At Poggioreale in Naples a new Study Center was to be established in September, 1953, for which three large rooms in the prison were to be used. Four psychologists from the University intended to make a detailed study of the relationship between sex and crime. At Rebibbia, in Rome, a whole building not in use at the time of the visit was to be opened in September and designated as the Center for Criminological Study. From the University of Rome professors and students were to come regularly for study and observation. A Study Center

was already in operation at San Vittore, Milan, one of the best equipped and best staffed of the institutions visited. A study of the physical and psychological backgrounds of the prisoners was conducted in the *Centro Criminologico*. A tape-recorded interview, various mental tests, a Rorschach, and aptitude tests are given to each prisoner when possible.

In several of the children's institutions research is carried on by psychiatrists and psychologists who are members of the staff. At the Re-education Center for Minors in Rome, the Institute of Observation, under the supervision of three medical doctors, one psychiatrist, and one psychologist, makes detailed reports on problem boys. This institution has excellent testing equipment, including Rorschach, aptitude, motor, verbal, and schematic apperception tests. In Bologna a similar center employs one psychologist and three "social assistants," among whom is another psychologist, who makes contacts with and reports on the family backgrounds of the boys. Likewise, at Pisa and Turin psychological research is being conducted under capable investigators.

CONCLUSION

This brief description of selectively visited Italian prisons should not be interpreted as a generalization of the entire penal system. These have been primarily personal impressions of a fairly diverse and representative group of institutions, which, it is hoped, reflect the conditions that prevail. Italy is still operating a combined classical-positive penology, a dual system of punitive and rehabilitative functions. General prison conditions observed are probably as good as the state budget for penal administration and gradual improvements can permit.