

## Chapter 15

# University Branches in Prison: The Italian Case

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### EXECUTIVE SUMMARY

*This chapter introduces the Italian experience about university in prison. Since ten years many faculties all over the country signed cooperation agreements with penitentiary administrations to pursue and realize the prisoners right to study at the highest levels. Prison management engage itself to warrant structural possibilities to study: quietly sections where prisoners can concentrate while preparing exams, entry license to professors and didactic materials, personnel engaged in monitoring detainees programs of rehabilitation through study. University carries out academic tutorship to support study careers and individual preparations to exams and degree. A bilateral connection links the two institutions: on the one hand, university forwards a service to warrant the prisoners' right to study. Prison, on the other hand, is an important matter of study for academics (particularly to specific branches: criminology, sociology of law, sociology of deviance, penal and penitentiary law, psychology). This paper offers a national survey about these experiences and concentrate about a specific case: the University of Turin inside the local prison, where Faculties of Law and Political Sciences forward, since 1998, a didactic project, with the involvement of professors and assistants in lectures and exams inside the prison. A specific section is reserved to a certain number of prisoners determined in carrying out a study program, till the degree. The aim is to examine how academic studies may be considered as a specific opportunity to put the rehabilitation ideal into practice, as the article 27 of the Italian Constitution asserts ("punishment must aim to re-education"). Education, combined with work, religion, leisure activity, sport and family contacts, is the means to pursue such function. The university involvement into these projects makes possible a better comprehension about life in prison and an active participation into implementation of detainees people's rights.*

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## ITALIAN LEGISLATION: PENITENTIARY TREATMENT AND RE-EDUCATION

Penitentiary treatment and re-education represent two key concepts of the legal language in the Italian penal system.

This system is regulated by law n. 354 of 1975 (Penitentiary System) and by the executive regulation n. 230 of 2000. Both of them express the text of the Constitution provided for by art. 27: "Penalties must aim to re-education of the convicted".

The term treatment appears in the Italian legislation with the "*Codice Rocco*" (the Italian Criminal Code) of 1931. It makes reference to everything concerns the prisoners system. "In the authoritative conception of the Minister of Justice Rocco, the accent essentially fell on the organizational dimension of the penitentiary administration and on the correlative requirements of discipline, with all the corollary of powers and prerogatives assigned to penitentiary organs for the exercise of the punitive power" (Grevi, 1981, p. 7).

The law reform of 1975, on the contrary, assumes a concept of treatment understood as the whole rights of detained persons: considering the normative level, there is a reversal of the traditional relation prisoner-institution. If, in the previous regulation, the legislator drew attention on organizational and disciplinary issues, and the ultimate purpose was the maintaining of order, the law of 1975 focuses on the detainee, through the arrangement of a series of obligations for the penitentiary administration. "Penitentiary treatment has to meet the special needs of each subject", states art. 13 of the Penitentiary System. "Towards convicted and interned it has to be carried out a re-educational treatment aiming at the social reintegration of them, also through contacts with the external world". The treatment is performed in accordance with a criterion of individualization concerning the specific conditions of the subjects". (art. 1, Penitentiary System).

This change of perspective is reflected on the operating plan of the treatment. "Abandoned the old logic of the de-personalization, as repercussion of an afflicting and mortifying philosophy of penalty, the legislator of 1975 definitely counts on the exploitation of the elements belonging to the detainee's personality, useful for his social readapting. To this purpose he built the whole discipline of the treatment in institute making sure that it gravitates on the same detainee: as an active protagonist and, at the same time, as the ultimate object of the penitentiary execution, with a re-educating perspective" (Grevi, 1981, p. 7). For this reason it is possible to talk about treatment as a *right* of the prisoner, instead of an obligation to comply with in a passive way. Hence, treatment results to be an *offer* of the institution and not anymore a command like the previous regulations provided for.

Essential features of treatment have to be, according to the Penitentiary System provisions, the *individualization* of the treatment and the *observation* of the prisoner. The first one concerns the modality with which treatment is realized: it is fundamental to adjust it to the peculiar characteristics and needs of the individual. This aim can be pursued through an observation activity consisting of a survey, mainly a sociological one, carried out by experts, and focusing on the family story, the processes of growth, the social relations of the subject and the positive and negative influences exerted by the environment.

Law identifies the elements of the treatment, i.e. the tools that penitentiary administration has to plan and to promote, in order to pursue the re-educational ideal.

"The treatment of condemned and interned is carried out making use of education, work, religion, cultural, amusing and sports activities, and facilitating opportune contacts with external world and the relationships with family" (art. 15 Penitentiary System). Subsequent articles regulate every single element. On the whole, what is immediately apparent is the total absence of afflicting

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