Education in Prison: The Italian Profile

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Abstract

The following contribution is thought as a reflection on the theme of education in prison in the Italian context, so as to supply sufficient elements of critical knowledge of it and open to a confrontation with other national situations, through the analysis of the other contribution on the same topic which are presented in this volume of HERJ. As it is known, in several modern European countries, education in prison was born with the concept of prison itself. In the process for the theorization of prison, a major debate arose from the thoughts of Cesare Beccaria, an Italian intellectual. He formulated a penal system where education was considered the final end of incarceration and also the only way to prevent crime. Two centuries later his ideas have become a founding principle of the Italian Constitution where it is stated that prison must tend to the re-education of inmates. Efforts have been made along the years, to build up a penitentiary system that reflected the constitutional mandate. Laws and decrees have passed to apply in practical instances these issues and also absorb the European Prison Rules. A study made in 2012 by the author shows some profiles of prisoners from an educational point of view. A reflection is presented that emerges from the analysis of the correlation between some background variables and literacy achievements. It shows how education in prison is fundamental to break the process of deprivation of alphabetical skills but, at the same time, conflicts with some contradictions of the system.

Keywords: correctional education, rehabilitation programs, recidivism, educational profiles of offenders, cultural habits of offenders, alternative measures.

Introduction

Given the international scope of this number of HERJ, the following contribution is thought as a reflection on the theme of education in prison in the Italian context. The main aim of the article is to present this scenario under different perspectives, so as to supply sufficient elements of critical knowledge of it and open to a confrontation with other national situations.

The first perspective here presented is historical. It is a theoretical reflection on the foundation of education in prison, in the XVIII century, when the Italian penal system was first theorized. As it is known, in most modern European societies, the idea of the need for an education to inmates was born with the concept of prison itself. It may be worth mentioning, then, how this concept was conceived among the scholars and intellectuals who were working and sharing ideas to lay the basis for the juridical systems in the rising States of the time. More significantly because, among these people, a prominent position was held by an Italian intellectual, Cesare Beccaria. His essay *De delitti e delle pene* (a/n *Of crime and punishment*) was published in 1764, and set out the principles of penal justice and the ideals of education in prison. The treaty had a wide echo at the time and was very widespread not only in the Italian context, but throughout Europe. Remarkably, it became the centre of a lively debate, and success and controversy followed its first publication. Many were the supporters of the ideas presented in it. Voltaire and the publisher Grimm called Beccaria the “defender of humanity”, while other personalities criticized it, even launching harsh attacks on the author.

However, there is also another reason to present this work, namely the fact that, in the debate that was above mentioned, Beccaria was firm in the idea that prison treatment should not lead or convey any kind of injustice and torture. His reflections, thus, appear amazingly modern, since still nowadays a definite solution to this moral issue does not seem to have been found. It is a sad evidence that the European Court of Human Rights has condemned more than a country for inflicting penalties against the respect of life. And in that regard Italy has been condemned twice in the past five years. It seems then, not inappropriate in this place, where we interrogate and reflect on issues related to education in prison, and have to deal with both the axiological aspects and their practical realization, to briefly review the work that was at the basis of the juridical system of Italy and at the same time brings about such contemporary issues.

In § 2 the situation of education in prison in Italy is presented. Education is thus analyzed through a more institutional perspective. The main reforms will be introduced and the principles of education implied within, starting from 1947 when the Italian Constitution was signed. The Constitution of the Italian Republic is in fact the main landmark for education in prison, since it states that education is a right for convicted people. However, from the Constitution to the definition of a Law embedding its principles of education to offenders, there was a very long and difficult process. Still
nowadays there is a strong iato between the instances prescribed by the juridical reforms and their true realization.

Finally, in § 3, a research that was led in an Italian prison of high security will be introduced. It is a field research that I completed in 2012, regarding literacy levels and educational profiles of offenders. I will here deal with a few aspects deriving from the analysis of alphabetical skills and their correlation with background variables, such as age, penalty and formal education. What emerges is how education in prison is fundamental to break the process of deprivation of alphabetical skills but, at the same time, conflicts with some contradictions of the system.

The foundation of education in prison in Italy

The first person in Italy to set out the principles of penal justice who became common to many European countries was Cesare Beccaria. His essay De delitti e delle pene published in 1764, is indeed an extensive work, far beyond the angle to which the title seems to relegate it. It is a philosophical and political reflection at the same time, which, moving from anthropological, social and axiological considerations, looks at the social relations as a whole and the role that must be assigned to them by law. In other words, the book shows how talking about crimes and punishments means facing a much broader topic that involves the whole society.

At its time, indeed, the work arose a true interest, was soon translated into several European languages, and had several tangible consequences on the penal systems of other countries, such as that of Catherine II of Russia (her Nakaz is indeed full of quotations from Beccaria’s work), Gustav III of Sweden and Charles III of Spain. In Italy, after the debate around the book, the Tuscan penal reform abolished some practices which were considered too cruel in the treatment of offenders.

The principles of Beccaria’s criminal policy are relevant for the history of education in prison, both for the concrete effects they had on the reforms of European governments and because they represent an early example of how a penal system can be just and effective without being repressive. The key principles of his theory are based on the concepts of social contract, of egalitarianism and guaranteeism. The starting point is Beccaria’s concept of man. Heir to sensitive philosophy, man is considered essentially a sensitive being, whose acts are dictated by the pursuit of pleasure and the escape from pain. As for society, his idea is Rousseauian and was shared by many contemporary philosophers. It is the result of the sacrifice of unconditional freedom in exchange for safety. The need for security, is, in this sense, to use his own words the primary aim of every legitimate association (VIII). The Social order must be thought out in respect for the nature of man, but also be effective in terms of usefulness. It is precisely the utility that determines the characteristics of the social contract, that is the social and legal

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5 The quotations in paragraph 1 are from C. Beccaria (1991), and report the chapter number from (I) to (XLVII).
system. From this point of view, laws, that is to say the social and juridical order, are intended as a useful and necessary sacrifice to which men submit themselves in order to enjoy the remaining [freedom] with security and tranquillity (I).

The need to inflict a sentence is born in the safeguarding of the same need for security. At the same time, the purpose of a sentence is not the punishment of the offender, nor the idea that with the prison he will compensate the society for the damage he has done, but the prevention of other possible crimes. It is a penal system that has no punitive or restitutive purposes, but only a preventive one. Penalty is not a matter of tormenting and afflicting a sensible being, nor of undoing a crime already committed; the end is exactly in preventing the offender from doing new damage to its fellow citizens and stopping others from doing the same (XII). In this vision of penalty and man, a central role is held by education. The main means that the author identifies to prevent crimes is indeed education. This are his same words: Do you want to prevent crimes? Let the lights accompany freedom (XLII). And, significantly in conclusion of the treaty, he writes: Finally the safest but most difficult means of preventing crimes is to perfect education (XLV).

The principle of guarantism is a fundamental element of Beccaria’s thinking. It is the presumption of innocence, in dubio pro reo. It is the “right that everyone has to be believed innocent” (XIII). Then, there are the principles of legality - nullum crimen, nulla pena sine lege, and the principles of the minimum penalty necessary and of proportionality between crime and punishment - nulla pena sine necessitate, nulla pena sine iniuria. The minimum penalty necessary in Beccaria’s thought assumes more radical characteristics than those expressed by his predecessors, such as Hobbes or Montesquieu. Penalty must be necessary and useful at the same time. Only a necessary penalty is right and legitimate, and it is necessary only where it can prevent another crime. If it does not, it is no longer even necessary. In the same way, a punishment that is useful but which entails a superfluous violation of freedom would also be wrong, even tyrannical: any punishment that does not derive from absolute necessity is tyrannical, every act of authority of man to man that does not derive from absolute necessity is tyrannical (II). If the penalty is not limited within these parameters it is abuse and not justice, it is done, but not already right (II). In addition to having to be useful and necessary, a conviction must be as mild as possible: for a just punishment must have only those degrees of intension sufficient to remove men from crimes (XXVII). Throughout De delitti e delle pene, there is a widespread attention to fundamental human rights. In particular, the lines on torture and death penalty strike as very modern. First, torture is defined as cruelty consecrated by use, criterion worthy of a cannibal that even the Romans, barbarians for more than one title, reserved only for slaves and is still existing monument of the ancient and wild legislation. It is reneged not only from a human point of view, but also because it proves to be inadequate on the civil level. Likewise, death penalty is defined as useless prodigality of supplications which has never made men better. Not only is it cruel, it is also useless to contrast evil. Beccaria
wonders what can be the right that men attribute to slaughter their fellow men? If the state has to give an example of civility and justice to citizens through the punishment of the offender, the example that would inflict the death penalty would be completely contradictory.

It must be said for completeness’ sake, that in Italy death penalty was only abolished in 1889, with the so-called Zanardelli reform. It was then reintroduced in 1926 with fascism and was definitively abolished with the promulgation of the Italian Republic in 1947.

**Education in prison in the Italian context**

The main reference for education in prison in Italy is represented by the Constitution of the Italian Republic, which was signed in 1947. Article 27 of the Constitution recites: the defendant is not considered guilty until the final sentence. Penalties cannot consist in treatments contrary to the sense of humanity and must tend towards the rehabilitation of the offender. Death penalty is not allowed.

Education in prison is, thus, first of all, a founding right of the Nation. It is, secondly, an element of the penitentiary treatment. For this reason, the role attributed to education in prison systems and the ways in which it is established depend on the rules of the Penal Code and the penitentiary regulations that have followed one after the other over the years. The objective of these regulations has been to translate the institutional dictate into a coherent educational policy and into educational practices that can be implemented in existing prison systems. Education in prison is, in fact, also and above all, the result of practical instances and, also, the contradictions that the daily reality of the prison structures present and which impose many constraints and limitations on the full realization of any project. Even today, in fact, after decades of social and political debates, the realization of education meets different obstacles.

Actually, from a numerical point of view, the prison population is almost in line with standards of other European countries of the same area. However, this is not the only parameter to be taken into consideration, since the infrastructure to hold this amount of people is totally inadequate. The so-called coefficient of occupancy of the prisons, for example, i.e. the ratio of used space compared to the total amount of available space, is worryingly high. This is a huge problem for the everyday survival of people and surely has a bad downfall on the access to education. Just to supply a few data, it may be worth mentioning that the total number of detainees in Italy by January 2018, is 58.087. In addition 478 minors are held in special institutions. The total amount is lower than that in the past years and the prison population rate, i.e. the number of prisoners per 100000 inhabitants, is 96, in line with the other European countries. However, the percentage of pre-trial detainees is very high, 34%, as is the occupancy level which is 115% (ICPS, 2018). Both these data are critical as far as education is concerned. In fact, detainees who have not been judged cannot take part in educational courses.
As for the history of the penitentiary system, after the Constitution, the first important reform has been Law n. 354, in 1975, Norme sull’ordinamento penitenziario e sull’esecuzione delle misure privative e limitative della libertà (Rules on the penitentiary system and on the execution of the privative and restrictive measures of liberty).

This act was made with the intention of translating into reality the constitutional dictate established by article 27. Its gestation lasted over thirty years. During those years, the political and social scenario was very complex and made it hard to accomplish any relevant goal. The most critical instances came from the prison administration, where direct contact with the brutal reality of the prisons elicited feelings of reaction and the aspiration to a more human condition of life. The theoretical scholars, on the contrary, who did not have direct experience with the prison reality, if were reformists, they were however more cautious. The major obstacle to the reform was the sense of re-educational treatment. Catholic conservatives had a very harsh view, but also in the secular criminological world there were currents that did not believe in the validity of rehabilitation treatment. (Di Gennaro, 1980).

The reform of 1975 introduced important elements of novelty with respect to the previous legislation on the basis of the principles reaffirmed by international documentation, especially the first European Prison Rules, issued by the Council of Europe with Res. (73) 5 and the principles on the inviolability of the right to education. In the first place, the provision recognized education as an element that could not be renounced in the offender’s treatment program, establishing that the rehabilitation of the inmates is the end to which the detention must tend. A rehabilitative treatment must be implemented, which tends, also through contacts with the external environment, to the social reintegration of the offender (art. 1). Some aspects were then strongly underlined that are still crucial today. In particular those regarding cultural development, younger offenders and the institution of alternative measures. The education of prisoners is, in fact, intended as cultural development of the individual as a whole and tailored on the characteristics and personal needs of each person. To this end, treatment must include basic education, but also cultural, recreational and sporting activities. Education must be offered of every order and degree, from primary school to secondary schools, which must be created indoors, while access to outside universities is made available. Finally, access to the library must be facilitated, with full freedom of choice for the readings. Another important aspect of the reform is the solicitation to the participation of the external community in the rehabilitative action. The penitentiary organization must facilitate appropriate contacts with the outside world and relations with the family (art. 15). This demonstrates a substantial reversal in the social conscience, according to which the institution of punishment is considered as an integral part of the community, of which it must take charge, and not as a separate body and marginalized by the rest of the civilized world. Particular attention is paid to younger offenders. The reform insists that the cultural and professional training of inmates under the age of twenty-five is crucial because it has a critical importance for the solution of
the practical problems of social adaptation. Lastly, alternative measures to detention are introduced, namely the possibility of accessing the semi-liberty after a period of detention in which the condemned is observed to develop a prognosis of social danger. Among the elements of observation of the condemned, participation in educational paths takes on a significant role. In fact, the penitentiary system, in art. 50, establishes that participation in educational programs is taken into consideration as an element in the evaluation of the concession of semi-liberty and early release.

The reformist spirit that had characterized the normative production of the second half of the Seventies had to face, however, different kinds of emergencies that prevented a real implementation of the principles established by the Law. These problems are still so present today, that former President of the Republic, G. Napolitano, dedicated more than one message to the critical situation of Italian prisons and declared peremptorily: evident in general is the abyss that separates today's prison reality from the constitutional dictate on the rehabilitative function of the punishment and on the rights and dignity of the person. It is a reality that cannot be justified in the name of security that is more undermined than guaranteed. (Napolitano, 2012).

A reform to Law 354/1975 was in 2000 (d.p.r. n. 230), and it recollected the same principles of the previous act, further reinforcing them with the inclusion of European documents.

Finally, in 2017, a law was passed, Law n. 103 Modifiche al codice penale, al codice di procedura penale e all’ordinamento penitenziario (Amendments to the penal code, the code of criminal procedure and the penitentiary system) that regards the reform of the penitentiary system. By march 2018, the Council of Ministers has preliminarily approved a few decrees. The priority objective of this reform is to make the current prison system more modern, adapting it to the guidelines of the Constitutional Court and the European Courts. Its main aim is to finally reduce the use of prison in favour of rehabilitative solutions without weakening the safety of the community. It means to restore the efficiency to the system, reducing procedural time and saving costs. Finally, it aims at reducing prison overcrowding, assigning, on the one hand, alternative measures to prison, and enhancing, on the other hand, the treatment of the inmates and their social reintegration, so as to stem the phenomenon of recidivism.

**Crime, detention, education: an Italian field research**

In 2011-2012, I conducted a study in the prison of Spoleto, in Italy, an institution of maximum security, that at the time held 660 people.

Aim of the study was to research some educational aspects of the prison population analysing some background variables and relating them to performances in literacy tests. The goal was to figure out a profile of the population and draw hypotheses on their needs, and also to make some reflections regarding the achievements or contradictions
of the prison education system, if possible. All aspects of the research, such as hypotheses, objectives, sampling, instruments and results are explained in Savoia, T. Crimine, educazione, detenzione, Anicia, 2015.

I will here deal only with some data collected through the tests on alphabetical skills and compare them to a few variables. It will be verified how these data show the necessity to reflect on the consequences relevant both to short-term and long-term sentences, at least when compared to education.

The tests used for the research came out of an extensive analysis on existing materials, namely the recent researches on the alphabetical skills of the adult population. More specifically, PIAAC, the latest research on the literacy levels of the adult population conducted by OECD, supplied the theoretical framework. Base skills frameworks in PIAAC on Literacy, Reading components and Numeracy were adopted. Besides, an Italian research on the same area of analysis, named PREDIL, conducted by the University of Roma, RomaTre, and headed by Professor B. Vertecchi, was the main source to take the tests from. However, the available tests were tested on the prison population and modified for the purpose. A process of adaptation to the prison context and restrictions was necessary, in order to avoid inappropriate or sensitive questions. Questions that referred to work, money or current currency, were removed, since many detainees for example had never seen the Euro, so as questions containing sensitive topics, such as family ties.

The scores obtained through the administration of the tests were compared with the background variables detected through a questionnaire, in order to figure out some aspects regarding cultural habits and education. We will here see their trend when compared to age, education7 and length of penalty.

Figure 1 shows the comparison between scores and age. The analysis aims at understanding whether competences may vary in function of age. It emerges that younger respondents got better results and, in fact, they ranked more in the middle and high score ranges. In contrast, older inmates got the worst scores and ranked more in middle and above all low ranges. (Figure 1).

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6 Some aspects of the research are also available in English in Savoia, T. (2012). Education Profile of Inmates, Cadmo XX (1) pag. 95-110.
7 The variable education was split into two different variables: qualifications obtained before imprisonment, that is formal education, and qualifications obtained during imprisonment.
Figure 1. Distribution of scores in function of age.

Figure 2 shows the comparison between scores and education before detention, i.e. formal education. The analysis aims at understanding whether scores vary in function of education levels. It shows that performances improve with the increasing levels of qualification. The number of those with no educational qualifications and with primary school certificate is much smaller in the higher ranges, while those with higher education qualifications are more in the medium and high ranges. (Figure 2).

Figure 2. Distribution of scores in function of qualifications before detention.

Finally, the length of penalty is taken into consideration. The objective of this analysis is to verify what are the trends of the alphabetical skills when confronted to the time spent in prison. Figure 3 shows that detainees who have been in prison for less time obtain the best results, ranking most in the higher ranges. On the other hand, inmates who have already spent many years in prison get low scores. The distribution of the scores in
function of the years of imprisonment shows, therefore, a worsening with the increase of the time of detention.

Figure 3. Distribution of scores in function of the years spent in prison.

So far, the results shown in Figures 1, 2 and 3 were quite predictable, and aligned both with the studies on the adult population and on the prison population, that show how adults impoverish their alphabetical skills with time, and, more seriously, people in prison lose them even stronger. Besides, sociological studies on prison population accredit the process, underlining how worse it is for secluded people. Clemmer theorized the concept of prisonisation, which consists in a gradual, progressive process, in time irreversible, culminating in the identification of the offender with the environment, i.e. the adoption of costumes, culture and codes of the prison. This process brings about other consequences, such as cultural impoverishment and disculturation of people, which define the life and personality of offenders.

We can however see how the trends indicated above change significantly when the qualifications obtained in prison are taken into consideration. In fact, in this case, the oldest and the long-term offenders obtain satisfactory results, comparable, and in some cases better than, those of younger prisoners and those with short sentences.

From the analysis of the questionnaire, we know that the older inmates and the inmates with long sentences follow with much more consistency the educational courses held in prison, obtaining more qualifications. They also have better cultural habits, namely they read more books and magazines and write more. In fact, the number of students enrolled in formal education and training courses grows significantly, as the years of penalty increase. Likewise, the number of inmates who get educational qualifications also greatly increases. On the contrary, those with short sentences do not obtain

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8 An overall review of the studies on the education of the adult population and on the prison population and a review of sociological studies is recorded in Savoia, T. (2015) Crimine, educazion, detenzione, Anicia
qualifications, regardless of how many years they attended school. As far as young people are concerned, if it is true that they enroll in education and training courses, it is also true that only in rare cases do they attend enough time as to obtain a qualification. They are, therefore, more inconstant in their educational choices, while older people, once they enroll, tend to complete the course of study. Even among the young age groups, only those with long sentences obtain a qualification.

If we take into account the performances of inmates with long sentences, more precisely those who have more than five years of detention, we note that the results change between those who achieved a qualification in prison and those who did not. As shown in Figure 4, inmates with long sentences without a qualification, in fact, reflect the scenario presented in Figure 4, ranking, in the majority in the first score range. On the contrary, inmates with long sentences, which obtained a qualification in prison, show a different trend and are more homogeneous in all three bands. (Figure 4).

Figure 4. Distribution of scores among long-sentenced inmates, in function of their qualifications.

A similar result is obtained by considering older inmates, aged over 45. As shown before, in general they get worse results than younger inmates. However, figure 5 shows that the results clearly improve when the qualification is taken into consideration. In this case, older inmates are placed in a much higher percentage in ranges 2 and 3 (Figure 5). On the contrary, for young people, i.e. inmates under the age of 30 and inmates aged between 30 and 45, the performance of the scores is independent of the qualification. Both those who have a qualification and those who haven’t are placed in the three ranges in a fairly homogeneous way. This fact seems to confirm that those who embark on an educational process have a tangible benefit from it, and can mitigate the damage of imprisonment.
The latter analysis highlights that, while it is true that skills during imprisonment tend to impoverish, at the same time, where there are successful educational paths, education is able to mitigate these so-called processes of disculturation and to establish virtuous circles.

**Conclusions**

We must then make a final reflection and would like to focus on an aspect in particular, the one regards young detainees.

Young detainees are often imprisoned for minor offenses, their stay in prison is short, and consequently theirs are crimes for which the alternative measures are invoked. From an educational point of view, they present the most advantageous starting characteristics, since they have not consolidated the process of skills impoverishment, given the young age. However, we have seen how they do not exploit the educational opportunities offered and, therefore, suffer the damage of imprisonment to a greater extent. Therefore, despite the positive starting point, the profile that emerges is far from reassuring. If, in fact, we analyse cultural habits, it should be noted that they did not improve during the detention, in many cases they even worsened, compared to before. In fact, they read fewer newspapers and magazines and books and write less than older inmates and those with longer sentences. The reasons why they do not read are attributable to economic and organizational problems, most significantly to the precariousness of their condition, since for them, the prison is experienced as a temporary pause before returning to their life outside. Even the use of computers, widespread in prison among inmates with long sentences, for this group of the population is rare. They complain that they cannot have it in the cell and therefore they use it very rarely, only in computer rooms where there are few units and not always accessible. Moreover, if we analyse the educational process, they tend to enroll in the courses of education and training, but rarely complete them by obtaining a qualification.
The abandonment of the educational courses without a certification is sometimes due to the release, for the end of the sentence, and other times to the same reasons just mentioned for reading and writing. Entering and leaving a prison, without benefiting from the educational offer, certainly does not help break the vicious circle of recidivism, which is instead one of the main objectives of the penalty system. At the same time, the months spent in prison are not a neutral period and if they do not offer the possibility of constructing valid alternatives, they offer the possibility of consolidating and renewing criminal and negative behavior. The result is a paradox, such that the worst consequences of imprisonment are paid by those who have committed minor offenses. International organizations and local governments agree on the importance of identifying alternative measures to detention for those inmates who have to face minor convictions. Young inmates are precisely those on whom the educational offer should be measured, because they still have a long future ahead of themselves and can contribute to collective life for a long time. All international organizations invite governments to pay particular attention and take measures to facilitate the educational pathways of this group of prisoners. Once again, one wonders what sense a prison can have for people who could be directed to more fruitful alternative paths through which to learn, perhaps, new occupations and no longer represent a cost to society, neither in economic nor human terms.

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