

Italy's Prison System and the Reforms of 1889-1891: A Road to Modernity?

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Abstract

The present work explores the Italian penal system from a historical perspective. It focuses in particular on the period at the turn of the twentieth century. It is an attempt to understand punishment in penal institutions for adult male offenders following the reforms of 1889-1891. This is analysed within the broader social and political context of Umbertinian Italy and the beginnings of the Giolittian era. Unlike the legal-centred approach of most work done so far, the present study devotes special attention to the human element. Thus it makes extensive use of archival sources and brings to light fresh evidence of the experiences of thousands of people from both sides of the bars. Seeking a bottom-up view of the penal regime it explores the living conditions and health of inmates, and their reactions to discipline. Similarly, it carefully examines the lives and professional careers of the warders, who responded in their own ways to the reforms, and can provide an original interpretation of the liberal penal project.

By integrating the well-established scholarship of Italian legal history with the vicissitudes of those who went through the penal regime, the present work casts new light on the history of punishment. In particular, it argues that despite the modernity of the new legislation, government and prison reformers could not relinquish their social and political prejudices. Their anxieties about the masses, together with the shortcomings of the state apparatus, led to the reshaping of a highly punitive system with no purpose or meaning outside the retribution-and-deterrence rationale. In order to understand such a system and the claim of its power to promote 'moral reform', the evidence of inmates and prison guards have proven to be illuminating and of fundamental importance. Ultimately, the analysis clarifies an important aspect of the process of modernisation of Liberal Italy.

For my mother, in memoriam

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Any omission or inaccuracies in the present work are my own responsibility.

In chapter two (pages 109-110) I have used some material borrowed from my Master's dissertation submitted in 2011 at Royal Holloway University of London.

The present work has 88,645 words, including bibliography and footnotes.

Italy's Prison System and the Reforms of 1889-1891: A Road to Modernity?

Introduction

*'It is evident (...) that the purpose of punishment is not that of tormenting or afflicting any sentient creature, nor of undoing a crime already committed.'*¹

*'The state of prisons is a measure of the level of a nation's civilisation (...) the state does not repay with vengeance, but wins through the law (...).'*²

What are prisons for? What is legal punishment? Can a prison sentence change offender behaviour? Despite common assumptions on the right and aims of punishment, questions on prison management conceal a range of aspects that are significant indicators of social and political values of a given state and society. Penal regimes are far from being solely concerned with the confinement of law-breakers and suspects. They are indeed much more complex structures and a juridical expression of some core principles held by a nation or community in a specific period of time. Be it in the distant past, or in more recent times, they can reveal some fundamental precepts of a particular social and political order.

In this connection, prison and public security are topics that frequently become part of heated public debates, leading to questions on the treatment of inmates and the ultimate purpose

¹ Cesare Beccaria, *On Crimes and Punishments and Other Writings*, ed. by Richard Bellamy (Cambridge: Cambridge University Press, 1995 – first published 1764), p. 31 (chapter 12: The purpose of punishment).

² The Italian Minister of Justice Paola Severino at the opening of the Judicial Year 2012, see http://www.repubblica.it/politica/2012/01/28/news/severino_carceri_test_civilt-28906591/ [accessed 28 January 2012].

of prison sentences. The controversy tends to further increase in times of austerity and hardship, with high unemployment rates and political conflict. Different political parties all claim to have the key to enforcing crime control and to making the state prison system a cost-effective enterprise. In more recent years different penal systems across Europe have faced significant challenges calling the attention of politicians, the media and public opinion. As an example, in October 2013, the president of the Italian Republic, Giorgio Napolitano, pressed the parliament to come up with a reform plan and approve measures to relieve overcrowding as a matter of urgency. Indeed, the Italian state was risking sanctions following legal action of the European Court of Human Rights for breaching article three of the European Convention about the 'inhumane and degrading treatment of prisoners'.³ Italy, however, was not alone in its prison predicaments. In February 2016 British Prime Minister David Cameron talked about the 'scandalous failure' of the English prison system.⁴ It followed shortly after reports by the chief inspector of prisons, Nick Hardwick, who declared that prisons in England and Wales 'were in their worst state for ten years'. In particular, he highlighted the 'disgusting' conditions in which prisoners had to live in, and cells where even 'a dog' should not be kept in.⁵ The conditions of confinement of arrested offenders are clearly a recurrent and controversial topic, and this indicates that the conditions of prisons and their captive population are a resurgent issue connected to a broader political debate, at the national and international levels. In the examples above, an international court on one hand, and a top official on the other, prompted the discussion, leading, eventually, to legal and political action. Yet, penal reform is anything but a straightforward issue. This is because punishment involves a variety of agents and public demands that vary from basic retribution and social vengeance, to more advanced forms of rehabilitation, in a bewildering range of disparate, and sometimes, contradictory aims.

³ *Torreggiani and Others v. Italy* - 43517/09, 46882/09, 55400/09 et al., judgment 8 January 2013, European Court of Human Rights. Breach of article three had already been legally acknowledged four years earlier by the same court in *Sulejmanovic v. Italy* – 22635/03, judgment 16 July 2009.

⁴ According to the European Court of Human Rights, between 1959 and 2015 there were seventeen instances of violation of article three in the UK, and twenty-seven in Italy. Comparatively, in the same period, France had as many as Italy, whereas Sweden had four and Germany three. See <<http://echr.coe.int/Pages/home.aspx?p=reports&c>> [accessed 22 June 2016].

⁵ 'Prisons 'overhaul' announced by David Cameron', see <<http://www.bbc.co.uk/news/uk-35518477>> [accessed 08 February 2016]; 'Prison as bad as you can imagine, watchdog Hardwick says', see <<http://www.bbc.co.uk/news/uk-35449015>> [accessed 30 January 2016]. Later in the same year a 'prison shake-up' was announced in the annual Queen's Speech.

Indeed, prisons from around the world, ranging from Alcatraz in the United States to Long Kesh in Northern Ireland, from Robben Island in South Africa to Le Nuove in Italy, have attracted attention at different times from magistrates, philanthropists and the general public for a variety of reasons. Besides their notoriety for housing famous gangsters and bandits, or for locking up members of radical movements and political organisations, prisons have been for nearly two centuries at the core of a broader public debate on punishment as a measure of social control. Yet, their purpose, and in particular the aims of prison discipline, are far from being the result of a self-evident truth. In fact, some principles underpinning a penal system may change according to political, social and economic circumstances. Accordingly, despite conventional beliefs, the goals, as well as the results of penal policy, are not to be taken for granted. Moreover, and besides the recurrent fluctuations in political arrangements, social relations, and changes in cultural norms, the penal system has to reckon with the concrete human element that is going to administer punishment on the one hand, and to receive it on the other. In other words, once a prison sentence is pronounced in court it ceases to be an abstract question of jurisprudence or a mere topic of academic dispute, and becomes a real problem of punishment to be meted out in a penal institution. At that moment, captors and captives are both called to the foreground and have to deal with an apparatus of punishment – the prison machinery – which was neither imagined nor created by them. Then magistrates, politicians, and academics leave the stage, and state officials, prison guards and inmates take over as the main actors.

In considering the main question of the aims of legal punishment and how it is carried out in practice, the present study will look back and explore the Italian penal system at a time of immense social, economic, and political change. In the last decade of the nineteenth century, Liberal Italy saw the expansion of industrialisation, the rise of the labour movement, and the irreversible transformation of its social landscape with mass migration, both within the national borders and overseas, together with the rapid erosion of old patterns of social hierarchy. In this context, political conservatism and economic recession did little to placate social unrest and the growing antagonism towards the state and its representatives. In particular, the moderate liberals and the rising bourgeoisie, feeling increasingly insecure, invoked a 'tough-on-crime' policy to curb law-breaking and thwart the advancing demands of the popular classes. It was not by chance then that great stress was put on the need to

'moralise' the masses, and to tighten up control on the 'threat' of a growing working class population in urban areas. In the penal sphere in particular, 'moral reform' was to become the mantra of prison reformers and would have a significant impact on prison discipline. As will be discussed in more detail later, the elites' anxiety about the allegedly 'moral deficit' of the lower classes was not a new feature in the history of modern Italy. It was exacerbated, however, by the growing social and political instability of the 1890s. The rapid growth of the labour movement, together with civil unrest and the need felt for security and stability, put penal policy at centre stage in the government's agenda. Indeed, the tension rose to alarming levels when it was realised that the necessity to modernise the country clashed with anxieties about the lower classes. By focusing on the latter's values and behaviour, the moderate liberals tried to justify the postponement of their political emancipation and the democratisation of the institutions. The central role of penal policy made the elites' misgivings about the process of modernisation and the inclusion of the masses in the national project all the more manifest, and these ambiguities would be condensed into the penal reforms of 1889-1891. In this connection, the present study will argue that the moderate liberals, despite the veneer of modernity of the new penal code, gave up a project of penal reform based on advanced principles of rehabilitation, and retreated to the conservative view defended by the classical school of penal thought. They did so because of a fundamental reluctance to accept the modern political principles that arose during the course of the nineteenth century, and because of fear of the social consequences of urbanisation and industrialisation. The head of the prison administration, with the approval of the government, would give an unmistakable example of such an attitude. The emphasis on moral reform of the moderate liberals reflected their move backwards and, despite the prominence of innovative academic and political figures such as Cesare Lombroso and Enrico Ferri, relegated the positivist school to a marginal role in the process of nation-building.

Far from being a philosophical dispute among jurists and academics, the classical school triumph had important repercussions on the whole penal system and, in particular, on prisoners and warders. Its focus on moral reform and free will, whereas emphasising the individual ability to endure and persevere, concealed the elites' conservative agenda with the deceptive veil of the 'moral lesson'. This was to be taught by the moderate liberals themselves. On the other hand, inmates were depicted as amoral and human failures,

whereas guards were assigned the task to help reforming them. Both groups of men were brought to the centre of the penal regime, and 'redemption' was to become the proof of one's willpower. The values underpinning moral reform were to be drawn from the elites, in particular from exemplary figures of the Risorgimento and from Catholic hagiography. However, this was not enough, and the liberal pedagogy would make large use of repression and punishment to 'moralise' the masses. Thus in the wake of the new penal code, an articulated prison system was devised to deliver what was deemed to be 'appropriate punishment'. In this context, warders and inmates had to deal with a particular form of prison discipline and respond to its methods and aims. In a sense, the peculiar dialogue between the state and the lower classes that took place in the form of penal sanctions and incarceration, represented an important step in the Italian process of nation-building. In particular, it can tell us what was the social and political project envisaged by the moderate liberals in the face of the ineluctable changes of the oncoming new century. The relationship between the political elites, heirs of the Risorgimento, and the masses, is more important than it might at first appear. Characterised by a profound chasm between the educated classes and the common people, and by a deeply rooted distrust of the former towards the latter, it was to leave a lasting legacy and influence Italy's way into modernity.

In order to understand such relations in the prison context, we need to examine the responses of those who were directly concerned by the rhetoric of moral reform. In fact, unlike legislators, top officials, and political leaders, guards and inmates had no voice in the debate on penal policy. Similarly, guards and inmates would remain 'silent' also in the historiography of the Italian penal system during the liberal regime. Hence the present study will devote special attention to the human element in prison and give 'voice' to its population. In particular, it will investigate the effects on inmates and warders of the new prison regime that was created after a lengthy parliamentary process and heated debates among political parties and penal law experts. Despite some innovations, the 1889 penal reform not only mirrored the imbalances of contemporary Italian society, but also magnified its inequalities and political disparity. Moreover, the responses of guards and inmates suggest that the social and political project that buttressed it was short-sighted and lay on faulty bases. In other words, the liberal ideal of reform and its attempt to reshape the masses according to a bourgeois social and political model was not only bound to fail, but also revealed the major inadequacies

of Liberal Italy when it came to modernising the country and carrying out a project of nation building. The analysis of the effects of the penal regime on guards and inmates will be combined with a careful consideration of contemporary penal legislation and its derivative prison regulations. These in turn will be analysed within the historical context surrounding the liberal state.

After the social and political turmoil of the 1860s and the seizure of Rome in 1870, Italian society was to go through a period of accelerated reform and modernisation, with a growing tendency for state interventionism and the gradual abandonment of liberal dogmas. In this process, internal security, as well as the reform of the penal system featured prominently, and particular attention was paid to the idea of rehabilitating inmates which, with the abolition of the death penalty, became a central tenet of penal justice. As mentioned above, this was framed in terms of 'moral reform' and put prisoners at the centre of a larger project of social reform and human improvement. The elites' apprehension about the rapid changes that would take place in the last quarter of the century gave the idea of moral reform a sense of urgency, and prisons seemed to be the receptacle *par excellence* of everything corrupt and immoral in society. The present study will therefore investigate how the penal system pursued reform and what the response was of those who constituted the targets of such reform. Whereas most of the historiography has focused chiefly on legislation, political prisoners (especially under Fascism), prison architecture or specific penal institutions, the present study will attempt to integrate the human side of punishment with the complex of penal law and prison discipline of the liberal period.

This shift of focus is needed in consideration of the distinct nature that legal punishment assumed in the nineteenth century. A clear attention to the reform of individual offenders had emerged, and this became an important part of penal policy and public debates surrounding the aims of punishment. The Italian case is made particularly relevant for the history of punishment in Western society because of the stark contrast between the need to modernise and the ruling classes' reluctance to promote the political emancipation of the masses. Unlike countries with a long-established tradition of national unity such as Britain or France, or backed by strong state institutions like Germany, Italy existed in a narrow and fragile political and institutional framework. In the eyes of its population the national project would have made sense only if it brought political emancipation and socioeconomic progress.

On the other hand, in order to achieve economic prosperity and to secure national defence, the state needed the participation of the whole national community. In other words, the integration of the masses was a key condition for a successful process of nation-building. Thus how the new state treated its lower classes is a powerful indicator of its ability to envisage progress and a changing society within its national project.

The growth of industrialisation and urbanisation were bound to disrupt the social and political order however, and this required innovative ways to deal with the consequences of modern economy and politics, in particular regarding the lower classes. In the century marked by the work of philanthropists such as Elizabeth Fry and Giulia Colbert di Barolo, the causes of humanitarianism and social reform were extended to the most marginalised and, in particular, to the rehabilitation of prisoners. This rehabilitative approach and what it can reveal about Italian society will be explored in more detail further in this work. For the time being it suffices to say that the new Penal Code did incorporate some important features of modern penal thought and abandoned those penalties inflicted upon the body of the convict or aimed at his destruction. Thus the death penalty, beatings and life-long imprisonment with hard labour, for example, were abolished altogether in 1889, whereas the reform of offenders through incarceration became the central goal of the penal system. Hence, if we are to improve our understanding of the evolution of punishment in the context of modernisation, we need to take into account not only prisons and penal law, but also those for whom the new penal regime was created, as well as its operators. This will go beyond general considerations on aspects such as social background and education to explore in more detail concrete examples of men who faced imprisonment and others who worked as warders. Only examples of their human experience can further a more nuanced comprehension of what it meant to live and work in a prison by the end of the century in Italy. This focus on the experience of guards and inmates is not, however, an end in itself.

1 - Theoretical questions and methodology

In this connection, and given the specificity of the topic, it is worth setting out some considerations regarding the methodology used and the theoretical interpretations surrounding the subject of punishment and its aims. This will help clarify some important points in relation to the goals and limitations of the present study, whilst giving the reader some background knowledge and an outline of the Italian penal complex.

Before embarking on a detailed exploration of prisons and their population it is worth remembering that prisons are institutional components of much larger legal systems, and these in turn are the legal products of specific political and social organisations. Therefore no penal system can exist in isolation, as if outside society, just as there can be no meaningful study of a prison regime outside its historical context. For this reason the present work will examine the Penal Code issued in 1889, together with its prison regulations, and make the appropriate connections with either later or earlier legislation. It will also survey the social and political circumstances that surrounded the formulation of the Penal Code, as well as the enforcement of criminal law and prison regulations. Moreover, it must be clear from the start that this is not a technical study on how prisons were run in the nineteenth century. On the contrary, it is a means of understanding how the Italian government conceived its penal policies, how inmates and guards were treated and how they responded to the social and political project that underpinned the penal system. Needless to say, the present study is therefore intrinsically connected with the historical context of the period under consideration. This is not aimed, however, at creating a mere historical setting within which to develop a narrative of crimes and punishment.

The jurisprudence of a country, nation, or community is part of how the nation understands itself. Its laws are in fact the juridical expression of its self-image, or of what it thinks society should be. In broad terms, the Italian penal system that emerged out of the 1889-1891 reforms sought to bring about the homogenisation of the popular classes according to a conservative bourgeois cultural paradigm. This was translated into ethical and juridical principles which were then transmitted through penal legislation. Its importance lies not so much in the success or failure of such a programme, but more in what it can tell us about the

liberal state and how its bourgeois cultural model sought to shape the nation. In other words, it can reveal the social and political values that were deemed to be the most suitable for governing the masses, and for strengthening the power of the liberal elites in a time of growing social unrest and political radicalism. That most of these values were to be taught and learnt through specific practices of punishment reveals a growing tension amongst the social classes, and a crisis of governance that was compounded by political conflict and rapid social change. After the civil war of the 1860s, the authoritarian face of the liberal regime showed itself once again, especially when the economic downturn of the last quarter of the century aggravated the social tensions in rural as well as in urban areas. In this context, social instability and political antagonism posed questions on the viability of the political model inherited from the conservative compromise that followed national unification. In fact, the crisis of the last quarter of the century revealed the waverings of the ruling classes on how to lead the nation through the uncertainties of modernity and keep social and political control at the same time. In this connection, the problematic relations between the rulers, who largely pursued conservative policies, and the ruled, who aspired to better living conditions and political emancipation, can be further illuminated if the latter, as targets of the bourgeois pedagogy, are taken into careful consideration. This operation formed part of a larger process of nation building and modernisation and will be examined in more detail in the chapter on prison discipline and the responses from prisoners.

Considering such broader political and cultural implications, it may be asked 'Why prisons?' One may argue that the penal apparatus was concerned with only a small minority of the population, and that the latter represented a particular human kind, separate from law-abiding citizens and quite marginal to the 'healthy' core of society. The question is very pertinent because it prompts reflection on at least two fundamental points: the country's way to modernisation and the changing relations that it involved between the state and the people.

There are two ways to answer this question. The first concerns the contrast between two apparently antithetic representations of society: on the one side, the high-minded and rational bourgeois elites, and on the other the alleged amoral, irrational and backward

'masses'.⁶ This is obviously too simplistic a representation of contemporary Italian society. It is, nonetheless, useful in order to circumscribe our object of study. Before any other lay institution of the new state, prisons would bring into constant conflict these two parts of the nation. On one side a minority of 'enlightened' men, set against a majority of 'backward' people in need of guidance and emancipation on the other. This encounter frequently happened in the very specific circumstances created by penal law, whereby the 'dangerous classes', represented by the thousands of outcasts arrested every year, were to be reformed through punishment and the teaching of a bourgeois ethical code. In the socio-economic and political circumstances of Liberal Italy, the relationship between these two parties was particularly asymmetrical. This was so not only because of the clear inequality between captors and captives in legal terms, but also because the latter usually represented antithetic values to those upheld by the former. This confrontation would be translated into the penal regime and, unlike any other example of life within state institutions, gave rise to a battle of punishments and discipline as an attempt to reshape people's behaviour and ethical values. It was therefore in prison, more than in any other state organisation, that the contrast between the 'principled' bourgeois elites and the 'amoral' crowds became more apparent. In the responses and reactions that originated from this encounter emerged some of the most problematic aspects concerning the liberal government in the late nineteenth century, namely how to secure control and modernise the country. In other words, how to build a nation and at the same time prevent a social and political revolution.

In the bloodshed and bitter political antagonism that characterised the 1890s it may be argued that the government lost touch with reality, and overreacted against the spectres of imminent revolution and civil war. Therefore in the siege mentality and political hysteria that followed, it would have been a logical consequence to tighten up prison discipline and give free rein to terror and retribution. However, modern incarceration became a too complex form of punishment, and prisons could not be run permanently by means of sheer force. Among other things, prisons became complex institutions because they had to cater for inconsistent and contradictory demands from public opinion and government alike. This posed a considerable challenge to the state authorities, not least in consideration of the need

⁶ The term 'masses' is used here intentionally to underline the elites' view of the Italian people as a shapeless 'mass' of men and women without character or morals. The relations between the upper and the lower classes, and the political discourse surrounding them, will be discussed at different stages in this work.

to manage great numbers of people under the special circumstances created by long-term captivity. As opposed to the recurrent and often bloody clashes between security forces and the 'dangerous classes' that occurred in public squares and fields across Italy, in prison the encounter between the two sides of society entailed a more stable and long term relation, and this required a more careful and calibrated use of force and power. In terms of the methods and aims of legal punishment, the main question to be answered was how to find a balance between deterrence, reform and retribution. From the study of the 1891 General Prison Regulations it emerges that those under arrest were obliged to comply with a specific set of rules that went well beyond legitimate concerns with security. There was indeed a penal pedagogy running through the prison system which aimed at reshaping inmates according to a particular set of moral norms. This, together with the responses of the captives, will be explored to shed light on an important stage of the Italian process of modernisation. Ultimately, the analysis will help explain how the moderate liberals imagined the nation and sought to reshape its populace.

A second approach to the above question would be to consider the structures of the state and the ethos and functions of its institutions. Of course there were other institutions where the masses could be taught certain values, such as the school and the army for example. There are, however, two important differences to be considered here. The first is conceptual, and concerns both the legal and ethical sphere. Unlike pupils and conscripts, all prisoners, without exception, faced an *a priori* moral condemnation and found themselves in a vulnerable juridical position. Whether for their socioeconomic condition, their life-style or for committing actual offences, a broad range of 'misfits', including beggars, vagrants, prostitutes, and petty thieves, were accused and arrested. Punishment, however, went beyond physical confinement. Law, order, and public morality were key values of the liberal revolution and had to be defended against the threats of crime, anarchy and debauchery. Whether the result of actual wrongdoing, or the product of penal law, the behaviour of the lower classes seemed in need of correction. For this reason inmates became the main target of the bourgeois 'moral reform', though it is clear that, in general terms, anyone could break the law and be arrested, but still be virtuous and hold high moral values.

The second difference is practical as well as political, and concerns the ability of the state to reach out to the members of its lowest classes. Liberal Italy had few institutions for

communicating its values to the populace. Free secular education remained for too long a dream of progressive teachers and the more advanced sectors of society, whereas state schools struggled to make a significant impact on a national level. Progress in the education sector was very slow and it was not until 1911 that a law was passed in order to promote equal opportunities of access to primary schools (the Daneo-Credaro law – 04 June 1911, n. 487). Additionally, the state had to compete with the centuries-old power and influence of the Catholic Church on education. On the other hand, free and lay education was far from enjoying unanimous support from the state and members of the secularist left. Whereas some wondered whether free education did not increase law-breaking by ‘opening one’s mind to unknown horizons’, and ‘fostering impossible aspirations’, others would make a direct correlation between the expansion of primary education and the rise in particular forms of offences.⁷ As for the army, it was basically a Piedmontese institution and remained so at least until the early 1870s when national conscription was introduced following the seizure of Rome. On the other hand, and given its specific functions and budget limitations, the army had to make a careful selection of its conscripts based on age, health and criminal record, thus shrinking considerably the numbers of those who could be brought under its ideological influence. Such limitations and criteria clearly did not apply to the penal apparatus.

Apart from considerations regarding the problems with public education, and the intrinsic limitations of the army as instruments of social control, it is worth remembering the particular nature that characterised the pedagogical process that was to take place in prisons. In fact, a significant feature of penal institutions concerned the peculiarity of the relationship between captors and captives. As mentioned above, without exception those who were incarcerated were regarded as amoral *a priori*. Either for their social background, or for committing actual offences, inmates were seen as morally inferior, not fully developed individuals who needed guidance and moral correction regardless of age. It was in this particularly unbalanced relationship that prisoners were to be taught the ethical and political values of the bourgeoisie.

⁷ Giustino De Sanctis, *Studi ed osservazioni d’un Direttore carcerario: I. Delinquenza e delinquenti* (Rome: Tip. Delle Mantellate, 1890), p. 29. The assumption that expanding access to education could lead to the rise in criminality was made by the Interior Minister Francesco Crispi when defending the reinforcement of the police. In this sense Crispi shared with Vincenzo Cuoco a similar political view on public education. See Raffaele Romanelli, *Il comando impossibile: Stato e società nell’Italia liberale* (Bologna: Il mulino, 1995), pp. 312-313 (n. 64).

In the school and army examples on the other hand, there was no *a priori* ethical or juridical problem to sway the balance in favour of the institution. In other words, the prestige and legitimacy of the institution did not rely on an alleged 'moral superiority', and pupils and conscripts were not taken into school and the army because they were guilty or seen as degenerates. Of course children could be uneducated, seen as ill-mannered or even 'evil', and soldiers could misbehave or be undisciplined. But neither teaching nor military service had as their final goal the correction of pupils and conscripts on the premise that they were inherently corrupt and needed some kind of treatment through discipline and punishment. Of course school and military service involved specific types of discipline tailored to the functions and needs of those institutions, but they were not originally conceived as a 'moralising treatment'. In this sense, the Foucauldian parallel between prisons, schools and barracks as equivalent instruments of discipline, though insightful in many ways, leaves room for further research and reflection.⁸

On the other hand, the disparity between the bourgeois elites and the 'dangerous classes' was particularly highlighted by the emphasis put on moral reform. In fact, the idea that moral reform should constitute a central tenet of the prison regime could only make sense if it was assumed that those under arrest were inherently amoral or corrupt. By contrast, the central government and the state institutions would have represented some kind of ethical model. This imaginary moral dichotomy, like the mirror image of the political conflict that was going on beyond the prison walls, hid some of the deep tensions and contradictions that permeated Italian society by the end of the nineteenth century. To mention but one example, the 'moral reform' rhetoric failed to recognise that amongst the hundreds of thousands of arrests carried out each year in Italy, there was a considerable number of people condemned for political reasons.⁹ In most cases, their position towards the state and its representatives was indeed critical of the lack of morality and political virtue of the rulers towards the nation. This of course does not ignore the fact that those condemned for non-political offences could also

⁸ Michel Foucault, *Discipline and Punish: The Birth of the Prison* (London: Penguin, 1977), p. 166.

⁹ The 'hundreds of thousands' is not an overstatement or a mere rhetorical image. As an example, between 1891 and 1900, there was an average of 257,257 instances of arrest each year in Italy. By comparison, in the same period France saw an increase in the number of arrests from 167,743 to 199,199 per year. It is worth noting also that in the two decades leading up to the Second World War the Fascist regime would not reach the same average of detention as Liberal Italy did. *Sommario di statistiche storiche dell'Italia 1861-1975* (Rome: ISTAT, 1976), tav. 53; Robert Badinter, *La prison républicaine 1871-1914* (Paris: Fayard, 1992), p. 205.

be critical of the ruling classes on similar grounds. Among them there were many instances of arrest for 'idleness', namely for unemployment, usually caused by economic recession. At the same time, the government was providing plenty of unedifying examples of corruption, abuse of power, mismanagement of public resources and incompetence. This included the political methods used to rule the country and rig the elections through the prefects, together with widespread patronage, which affected in particular the public sector. On the international stage, incompetence and irresponsibility led to the disgraceful and tragic end of colonial enterprises in 1896, while domestic bank scandals involving chief members of government ended in impunity. In the penal sphere the evidence shows that whereas the idea of moral reform led to the creation of regular reports on the conduct of individual inmates, and a system of points based on behaviour criteria, a comparable moralising discourse also penetrated the state bureaucracy, which increasingly became a fiefdom of the educated members of the bourgeoisie and the realm of political patronage. It is possible that the persistent discourse on moral reform reflected, at least in part, a self-awareness on the part of the bourgeoisie of its blemishes and the corrupt nature of its own political practices.¹⁰ This is not to say that the government saw corruption everywhere and felt an urgent need to eradicate it, but it does suggest that a sense of crisis and disillusionment had emerged at various levels among the political classes and the state apparatus.

It is clear by now that, while emphasising the historical context in which the Italian prison system operated, the present study will avoid a philosophical approach in the search for an all-encompassing explanation of modern incarceration. Punishment is too complex a social institution to be encapsulated in any functionalist theory. It is therefore beyond the scope of this work to seek an overall definition of punishment, or even to provide a theoretical explanation for the penal system of Liberal Italy. Given its complexity and multi-faceted nature, punishment serves a multiplicity of functions that cannot be reduced to a monolithic formula. Although it is true that bourgeois social and political values permeated the 1889 penal system, it is not possible to define it as being all about teaching the 'corrupt' and 'lazy' masses bourgeois industriousness and morality. Nor was it the embodiment of a new 'penal technology' for reforming 'rogues and thieves'. Whilst these elements constituted some

¹⁰ Criticism of the political elites and widespread corruption were forcefully expressed in contemporary literature. As an example, see Luigi Pirandello, *The Old and the Young*, trans. by C.K. Scott-Moncrieff, 2 vols (London: Chatto and Winduss, 1928).

aspects of punishment, it would be too reductionist an approach to look at the prison system only through the lenses of what may be thought to be its main function and purpose. In particular, the use of a term such as ‘technology’ to describe penal practices may overemphasise an alleged scientific knowledge of punishment, whereas obscuring the ambiguities of human nature which lie at the centre of a highly compressed social system as the prison. In this sense, Michel Foucault’s recurrent use of the expression ‘penal technology’ (or ‘technology of power’) to explain modern punishment, though stimulating in many ways, may be less helpful when it comes to examining the actual practices of punishment inside a real prison. In his words, penitentiary practice was indeed defined as a kind of ‘highly efficient technology’.¹¹ However, besides its irrational and social dimension, actual practices of punishment can be defective in many ways, and for this reason it is neither ‘highly efficient’, nor is it the sole result of logical and objective policies.¹² As will be demonstrated in the present study, the functioning of the Italian penal apparatus was fraught with problems, and the use of a rigorous science-like term as ‘penal technology’ would be misleading in the context of a prison system marked by chronic deficiencies and structural flaws.

2 - Historiography and Critical Theory

Before moving to the selection of penal institutions and primary sources there is a further aspect of the present work that needs some consideration. This concerns the approach in history to the study of prisons and will help introduce some important questions related to theoretical interpretations of the function of prisons. This will also serve the purpose of exploring the relevant historiography and the main penal schools of thought in the late nineteenth century.

¹¹ See Foucault, *Discipline and Punish*, pp. 131, 251 and passim. The term appears also in the discussion of Foucault’s work by David Garland, *Punishment and Modern Society* (Oxford: Oxford University Press, 1990), pp. 136, 152. On the contrast between Foucault’s theory and the malfunctions of the penal apparatus see *Ibid.*, p. 162.

¹² For the social and irrational aspects of punishment see Émile Durkheim, *The Division of Labour in Society* (Basingstoke: Macmillan, 1984). For a discussion of Durkheim’s work see Garland, *Punishment and Modern Society*, ch. 2.

As briefly mentioned at the beginning, the history of prisons in post-unification Italy has focused especially on penal legislation, as well as on questions related to particular aspects of prison life. However, and without diminishing their relevance, these are portions of the prison world which represent a fraction of the whole. Thus work, school, and religion, for example, are certainly important elements of inmates' lives and deserve careful analysis. But they are, nonetheless, parts of the whole and, more importantly, they are all subordinated to prison discipline. This point was made by Nicola Mazzacuva who aptly observed that despite the fact that work and education are often highlighted by the prison authorities as the core of the penal treatment, these are in reality ineluctably subjected to the restrictions imposed by prison discipline. Indeed, the latter is bound to influence *every* aspect of life in prison.¹³ And because prison discipline is a 'living practice', rather than a flat and static set of rules written on a 'dusty book', it is important not only to analyse the prison regulations, but also to combine it with the responses of inmates. As mentioned previously, the historiography of the Italian penal system, especially in the liberal period, has consistently overlooked guards and inmates as active subjects in the penal apparatus. A focus on discipline and the responses of warders and prisoners is also necessary in order to avoid an overspecialised approach, which might be misleading and induce an under-appreciation of the effects of the penal regime on the human element.

On the other hand, specialised works on the prison system have made great contributions to the advancement of a rather neglected area of the history of modern Italy. In this context, Roberto Giulianelli's text on prison labour is a rich source of information for understanding how workshops inside prisons were organised and, more generally, how work took place in penal institutions from the liberal through to the Fascist era. In fact, in post-unification Italy work was deemed to be a crucial means of bringing about inmates' reform. This principle was clearly spelt out by Giovanni Nicotera, Minister of the Interior, in 1876, during the first cabinet of the left, and was to be subsequently reinforced by Giuseppe Zanardelli, the socialist Minister of Justice after whom the 1889 Penal Code was named.¹⁴ Unlike in traditional penal administration, which assigned a major retributive role to prison labour, according to the new

¹³ Efisio Loi and Nicola Mazzacuva, 'Il Sistema disciplinare nel nuovo ordinamento penitenziario', in *Il carcere "riformato"*, ed. by Franco Bricola (Bologna: Il mulino, 1977), pp. 63-104 (p. 64).

¹⁴ Roberto Giulianelli, *L'industria carceraria in Italia. Lavoro e produzione nelle prigioni da Giolitti a Mussolini* (Milan: Franco Angeli, 2008), p. 27, n. 11; Guglielmo Curli and A. Bianchi, *Le nostre carceri e i nostri riformatori* (Milan: Enrico Rizzoli, 1902), p. 19

humanitarian and progressive principles work in prison should aim at reforming the individual in the prospect of later returning to society. Giulianelli's book gives an extensive picture of prison labour, with detailed information on the kinds of jobs, timetables, output and wages across the country. The analysis also explores the contemporary controversies on the alleged competition that prison labour would have created to the detriment of the free market.¹⁵ Moreover, it is worth noting the contradictions pointed out in the book regarding prison discipline and new forms of factory work. New technology used in modern industry was largely incompatible with the prison workshop because it tended to use expensive machinery with a significant reduction in the numbers of people employed, whereas prison management leaned towards the employment of the greatest numbers of inmates with the least investment.¹⁶ However, prison labour as a means of reform had much more complex features. A careful consideration of this aspect can lead not only to a better understanding of penal policies in Liberal Italy, but also to a beneficial appreciation of twentieth-century theories on the function of prisons and punishment.

As mentioned previously, among theorists Foucault features prominently, and is by far one of the most quoted scholars in the studies of punishment and penal institutions, with countless examples of citations, especially from his work *Discipline and Punish* (1975). The present study is not aimed at being a critique of Foucault's work per se, but will build on some of his ideas on punishment and incarceration in order to foster a better comprehension of the Italian penal system. In this sense, it is worth remembering that, according to Foucault's theory, one of the key functions of the modern penitentiary was the forging of 'individuals mechanised according to the general norms of an industrial society'.¹⁷ Modern prison discipline would have been designed to create a 'machine-man' or, in other words, proletarians for the growing industrial economy of Western society.¹⁸ Foucault was not alone in supporting such a theory, and both earlier and contemporary scholars, such as Melossi and Pavarini, and Rusche and Kirchheimer, shared similar views.¹⁹ But in order to introduce the topic and to

¹⁵ Giulianelli, *L'industria carceraria*, pp. 93-94.

¹⁶ *Ibid.*, p. 100.

¹⁷ Foucault, *Discipline and Punish*, p. 242.

¹⁸ *Ibid.*

¹⁹ Dario Melossi e Massimo Pavarini, *Carcere e fabbrica. Alle origini del sistema penitenziario XVI-XIX secolo* (Bologna: Il mulino, 1977); Georg Rusche and Otto Kirchheimer, *Punishment and Social Structure* (New York: Columbia University Press, 1939).

explore it on a theoretical level, a concrete case is needed for the purpose of illustration, lest Foucault's proposition takes the form of a conclusive principle.

In fact, no meaningful analysis of a social institution such as the prison can be done if it is not put in its proper historical context. In other words, a penal system can only make sense within a social and political project which is the expression of a historical period, because it is this project that will define what the aims of punishment are. In fact, this is contrary to the Foucauldian tendency to generalise what is contingent. In order to avoid this pitfall we need to consider historical examples, and in this sense the work by Giulianelli is very useful for further analysis and a better understanding of what the Italian liberal project was in terms of penal law. As the rehabilitation of inmates had become a central concern of government and prison reformers, work was given special attention, thus leading to a variety of initiatives in order to foster reform through labour. Amongst these was the development of the *Case penali intermedie*. These were basically penal colonies situated in remote regions and, in particular, on marshland and areas awaiting land reclamation. This was the case with the Tre Fontane Penal Colony, in the Roman countryside. The successful reclamation led by Trappist monks, employing the prisoners' workforce in the last quarter of the nineteenth century, attracted public attention, including political leaders, philanthropists and prison reformers. It seemed that public utility and the alleged moral effects of work had joined forces for the benefit of the economy, the country and offenders. In the meantime, however, a controversy had emerged. This was because of the high death rates among the convicts working in the malaria-infested area who, despite their achievement, paid for the successful enterprise with their lives. Besides the tragic outcome for many of the convicts, some members of the political elites deemed the rationale behind Tre Fontane to be incoherent and paradoxical. It was said that in times of economic crisis, growing social unrest and increasing emigration from the countryside, it was unwise, to say the least, to use convicts to do the work, while poverty-stricken peasants were left unemployed and roaming the country in search of work and food. The criticism was made particularly forceful by Sidney Sonnino and Leone Carpi.²⁰ They wanted to make the point that by taking the work that could be given to free peasants, even

²⁰ Giulianelli, *L'industria carceraria*, p. 159. Carpi had large experience in business, finance, and agriculture. In post-unification Italy he showed particular concern for the need to prevent social unrest and promote economic development. See *Dizionario biografico degli italiani*, ed. by A.M. Ghisalberti and others, 80 vols (Rome: Società grafica romana, 1960-2014), XX (1977), pp. 599-604.

though the consequences might have been deadly for their health, the government was indirectly fostering more immigration into the cities and thus consequently undermining public security. This example may not seem directly relevant to Foucault's above-mentioned theory, but it is nevertheless.

Fear of immigration and growing crowds in urban areas was also shared by the head of the prison administration, Martino Beltrani-Scalia. The latter, however, went a step further and presented a more elaborate argument. Showing a profound distrust of the masses Beltrani-Scalia's response was that the real danger would have come from the gathering of free labourers near Rome. It was therefore a wise decision – in his view – to use convicts in the land reclamation since the latter posed less of a risk to public security since they were under the surveillance of the prison authorities. Moreover, it is also indicative of his class mentality that Beltrani-Scalia was primarily concerned with policing and control, and much less with the dangers involved for those employed on the ground, as demonstrated by the death toll in the working site.²¹ Apart from the particulars of the case, this example shows the serious misgivings of the ruling classes about the management of public security and the role of government in promoting economic development. Since the modernisation of the country required, among other things, its industrialisation, and this consequently entailed the concentration of workers in urban areas and industrial sites, it is not clear how a project of modernisation could be carried out without triggering security hysteria among the ruling classes. The latter's conservatism meant checking urban growth and the spread of the urban proletariat, and this was indeed translated into policies regulating prison labour. If the gathering of free labourers near the capital city was feared as a potential threat to public security, the concentration of former convicts would have been even more so. Accordingly, the government sought to prevent prisoners from changing occupation and acquiring new professional skills in the prison workshops, and this was particularly true for inmates from a rural background who might want to abandon the fields for the big cities after release.²² Of course an apprenticeship in jobs connected with the urban economy, and the acquisition of

²¹ Between 1880 and 1883, nearly 10% of the captive labour force perished in the fields, whereas two guards also died from malaria in 1880. Beltrani-Scalia would insist in blaming convicts and warders for allegedly being 'careless'. In his view, they died not because of the unwholesome environmental conditions, but because they were 'stubborn' and failed to take the necessary precautions. Martino Beltrani-Scalia, *Relazione del Direttore Generale e degli Ispettori delle Carceri per gli anni 1878-1883* (Rome: Tip. Delle Mantellate, 1884), pp. 208-214.

²² Giulianelli, *L'industria carceraria*, pp. 203, 208.

new professional skills, could be a powerful incentive for trying one's fortune in the developing industrial areas or in any of the big cities across the country. It is hard therefore to argue with Foucault that modern prison discipline was designed to 'make machine-men and proletarians'.²³ From a theoretical point of view Foucault's 'inmates turned into machine-men' might sound coherent with the idea of a growing industry and the desire to control the urban workforce, but as the above example shows, this theory on penal labour to inculcate the 'love and habit of work', and to create proletarians for an industrial society, can become very problematic in our historical context.²⁴ The Italian government and top officials had little desire to create a modern work force to be employed in the evolving industry, and even the eventuality of the gathering of a few thousand unskilled labourers in Rome for land reclamation was feared as a potential threat. This does not mean that Foucault's theory might not be applicable in different circumstances, but it is far from giving an overall explanation of 'the function' of prison and modern incarceration. Recalling Foucault's theory in this instance has served to illustrate the aforementioned methodological principle for the study of penal institutions. Without a proper consideration of the historical context, theories on punishment and prisons, however stimulating and intriguing they might be, may obstruct a more grounded knowledge of the history of any penal system. Other aspects of Foucault's theory will be analysed further in this work, and in accordance with the relevance of each subject.

Besides Giulianelli's study on prison labour, the historiography on the Italian penal system includes a range of works, and these focused primarily on jurisprudence, penal law and prison regulations. On penal law, in particular, the bibliography is vast. Nonetheless, it is worth mentioning the works by Elvio Fassone, Mario Da Passano, Guido Neppi Modona, Mario Sbriccoli, Aldo Schiavone, Nicola Mazzacova, Sergio Vinciguerra, Ornella Vocca, Sergio Moccia, Ugo Spirito and Romano Canosa, who insightfully and from different angles have

²³ Foucault, *Discipline and Punish*, p. 242.

²⁴ Interestingly, Lila Caimari gives a different interpretation of the functions of prison labour. At the Sierra Chica Penitentiary, in the Province of Buenos Aires in the 1930s, it seems there was a genuine intention, at least initially, to equip inmates with useful skills to find employment after release. Ironically though, this policy changed because of an alleged incompatibility of the trades and skills taught in the workshops with the predominantly rural background and unskilled nature of the prison population (75% of which consisting of 'rural *peones*'). L. Caimari, 'Remembering Freedom: Life as Seen From the Prison Cell (Buenos Aires Province, 1930-1950)', in *Crime and Punishment in Latin America*, ed. by Ricardo Salvatore, C. Aguirre, and G. M. Joseph (London: Duke University Press, 2001), pp. 391-414, p. 399.

explored the problems related to penal law and incarceration.²⁵ An invaluable contribution was also made by those who focused on some specific topics related to prison, and in relation to specific moments of political and social upheaval.

Of particular interest are the works by Fassone, Neppi Modona and Sbriccoli, which offer an overview of penal history in Italy since unification, with insightful analyses of some key problems regarding penal law and its concrete enforcement in the form of incarceration. In Fassone's account the connections between the evolution of penal law and the cultural and political changes in the country help clarify the development of the penal system through three main blocks in Italian history: Liberalism, Fascism, and Republic. Neppi Modona, on the other hand, focuses more specifically on prison regulations and the contradictions with the professed principles of rehabilitation. On a purely juridical level, the work by Sbriccoli explores the principles underpinning the Italian penal system and highlights the impact of the political circumstances which influenced the whole liberal apparatus of justice. In this connection, Moccia also gives an important contribution by examining the juridical tenets and contradictions that characterised the 1889 penal legislation.

While focusing on particular themes, historical periods, and specific penal institutions, the works by Christian De Vito, John Foot, Giovanni Tessitore (Fascist prisons and post-Second World War penal regime), Simona Trombetta (female prisons), Renzo Dubbini (prison architecture), Giuseppe Adinolfi (Regina Coeli Prison), Eleanor Canright Chiari (Le Nuove Prison), Antonio Parente (Santo Stefano Penitentiary), Tommaso Scappaticci (prison songs), Anna Capelli and Tessitore (penal system and prisons in pre-unitary Italy), and Daniela Fozzi (penal colonies and detention centres) have investigated different aspects of legal

²⁵ Elvio Fassone, *La pena detentiva in Italia dall'Ottocento alla riforma penitenziaria* (Bologna: Il mulino, 1980); Mario Da Passano, *Le colonie penali nell'Europa dell'Ottocento* (Rome: Carocci, 2004); *Ibid.*, 'La pena di morte nel Granducato di Toscana 1786-1860', *Materiali per una storia della cultura giuridica*, 26 (1996), pp. 39-66; Guido Neppi Modona, 'Carcere e società civile', in *Storia d'Italia 5 – I documenti 2*, ed. by Ruggiero Romano and Corrado Vivanti (Turin, 1973) pp. 1903-1998; Mario Sbriccoli, *Caratteri originari e tratti permanenti del sistema penale italiano 1860-1990* (Turin: Einaudi, 1998); Aldo Schiavone, *Stato e cultura giuridica in Italia dall'Unità alla Repubblica* (Rome: Laterza, 1990); Nicola Mazzacova, 'Il Sistema disciplinare nel nuovo ordinamento penitenziario', in *Il carcere "riformato"*, ed. by Franco Bricola; Sergio Vinciguerra, 'I codici penali sardo-piemontesi del 1839 e del 1859', in *Diritto penale dell'Ottocento: I codici preunitari e il codice Zanardelli*, ed. by S. Vinciguerra (Padova: CEDAM, 1993), pp. 350-393; Ornella Vocca, *Il carcere: linee di politica criminale* (Naples: Liguori Editore, 2003); Sergio Moccia, 'Ideologie e diritto nel sistema sanzionatorio del codice Zanardelli', in *Diritto penale dell'Ottocento*, ed. by Vinciguerra, pp. 562-578; Ugo Spirito, *Storia del diritto penale: da Cesare Beccaria ai nostri giorni* (Florence: Sansoni, 1974); Romano Canosa, *Storia della criminalità in Italia 1845-1945* (Turin: Einaudi, 1991).

punishment in the changing social and political context, ranging from the pre-unitary states, then well into the Fascist regime and the subsequent republican era.²⁶

As far as the liberal period is concerned, the focus has been largely on government decisions, laws and jurisprudence, as well as on more specific types of penal institutions with their distinct features and sets of rules. It is undoubtedly of fundamental importance to know the juridical principles underpinning the penal apparatus, as well as the specific regulations of penal institutions. Just as important as this legal approach, however, is a viewpoint that focuses on the human subjects of the penal system. Thus the present study is aimed at reassessing prison history in the light of new evidence from archival research. This will be done taking a bottom-up perspective in order to make the most of the personal experiences of inmates and prison guards and, as previously mentioned, allied with a thorough analysis of prison regulations. This empirical approach will investigate prison register books and other documents left by the prison administration in order to understand the responses of guards and inmates to the new prison regime created in the wake of the 1889 Penal Code. It will argue that the ideological bases of the reform failed to advance a coherent project of nation-building according to modern political principles. Instead of shaping inmates according to bourgeois values, it revealed the inability and the inadequacies of the state to seek a path of modernisation, and to promote the effective integration of the lower classes into a sustainable social and political project. In other words, the penal system, and prison discipline in particular, backfired as instruments to shape the masses according to a bourgeois cultural model and its ethical and political values. There were certainly conflicting views among the political leadership on the objectives of punishment, however, a conservative attitude

²⁶ Christian De Vito, *Camosci e girachiavi. Storia del carcere in Italia 1943-2007* (Rome-Bari: Laterza, 2009); John Foot, 'The tale of San Vittore: Prisons, politics, crime and fascism in Milan 1943-1946', *Modern Italy*, 3:1 (1998), 25-48; Giovanni Tessitore, *Carcere e fascistizzazione* (Milan: Franco Angeli, 2005); Simona Trombetta, *Punizione e carità: carceri femminili nell'Italia dell'Ottocento* (Bologna: Il mulino, 2004); Renzo Dubbini, *Architettura delle prigioni. I luoghi e il tempo della punizione 1700-1880* (Milan: Franco Angeli, 1986); Giuseppe Adinolfi, *Storia di Regina Coeli e delle carceri romane* (Rome: Bonsignori, 1998); Eleanor Canright Chiari, *Undoing Time: The Cultural Memory of an Italian Prison* (Bern: Peter Lang AG, 2012); Antonio Parente, *L'ergastolo in Santo Stefano di Ventotene: architettura e pena* (Rome: Ufficio studi Dipartimento amministrazione penitenziaria del Ministero della giustizia, 2008); Tommaso Scappaticci, *Il carcere nei canti popolari* (Naples: Guida Editori, 1980); Anna Capelli, *La buona compagnia. Utopia e realtà carceraria nell'Italia del Risorgimento* (Milan: Franco Angeli, 1988); *Ibid.*, *Il carcere degli intellettuali. Lettere di italiani a Karl Mittermaier 1835-1865* (Milan: Franco Angeli, 1993); Tessitore, *L'utopia penitenziaria borbonica: dalle pene corporali a quelle detentive* (Milan: Franco Angeli, 2002); Daniela Fozzi, 'Una "specialità italiana": le colonie coatte nel Regno d'Italia', in *Le colonie penali*, ed. by Da Passano, pp. 215-290; *Ibid.*, *Tra prevenzione e repressione: il domicilio coatto nell'Italia liberale* (Rome: Carocci, 2010).

prevailed and had a significant impact on penal policy. In particular, the persistent discourse on 'moral reform' betrayed some old anxieties of the moderate liberals in relation to the popular classes.

In fact, such anxieties had emerged at an earlier stage, in the wake of the social and political upheavals caused by the French Revolution. The dilemma of an unexpectedly rapid and unsettling modernisation, together with the question of the political emancipation of the masses, remained nonetheless unsolved. The issue was firstly appreciated in terms of national defence by Paolo Greppi (1748-1800), a well-travelled businessman from Lombardy and consul of the Austrian Empire. Greppi witnessed the developments of the revolution at first hand, and foresaw the transformations it would eventually bring to the peninsula. In particular, following the occupation of Liguria by the French army in 1794, Greppi argued that a mass army (for the defence of Italy) was inconceivable if the rulers did not accept that democratic reforms were needed in the first place. Only through political and social emancipation the masses could be turned into citizens of the nation, and be entrusted with its defence. Arguing against the conservative views of his father, Greppi sponsored the idea that the peasantry should be enrolled in a mass army, and that this should generate a project of political reform. That was a decisive departure from the *ancien régime* methods of government, with the abandonment of mercenary troops and the consolidation of the national polity for defence purposes. In like manner, the people's enfranchisement would pave the way for the building of a national community bound by political rights in a democratic framework. Law-abiding and dutiful individuals would be expected to work for economic and social progress, whereas the fruits of their labour would be more evenly distributed. Greppi's views showed his open-mindedness and he has been defined as 'the most brilliant, active and up to date Milanese among his class'.²⁷ However, the conservative compromise of the Risorgimento thwarted political reform, and Italy reluctantly entered modernity with its old social and political structures. The prejudices of the Italian intelligentsia, ranging from Cuoco to Manzoni, from Mazzini to Pascoli, outlasted the political and social changes of the nineteenth century, and the post-unification leaders would perform too poorly and unimaginatively to supersede that legacy.²⁸ Unsurprisingly, penal policy would

²⁷ *Dizionario biografico*, LIX (2002), 334-337.

²⁸ Vincenzo Cuoco (1770-1823), Alessandro Manzoni (1785-1873), Giuseppe Mazzini (1805-1872), Giovanni Pascoli (1855-1912). For a discussion on the conservative legacy of the Risorgimento and its impact on national

reflect those contradictions. As aptly observed by Mario Sbriccoli, the new Penal Code, issued in 1889, ‘was born old’, meaning that, despite the hectic reformism of the left, the government failed to relinquish its fundamental conservatism.²⁹ Once more, we need to remind ourselves of the importance of historical circumstances lest we run the risk of overreliance on theoretical schemes. In this context, the contradictions of Italy’s way into modernity can be seen most conspicuously inside its places for confinement, and a survey of its inmates, together with their captors can produce an insightful view into the ambiguities of modern Italy from a new perspective.

3 - Archives and the Italian Penitentiary Complex

As for the selection of penal institutions, this was the result of a compromise between the objectives of the research and what was available in terms of primary sources. Research on the nineteenth-century Italian prison system can be a very challenging enterprise due to the patchy nature of the archival documentation or, sometimes, because of the poor conditions in which the material has been kept. There are instances in which public access to documents held by important archives has been suspended (e.g. Naples), or worse still, material has been lost or destroyed (e.g. Turin). Such obstacles were overcome by a ‘mosaic strategy’, whereby evidence from different penal institutions was put together, according to the problem under consideration, and in order to form a broad picture, that was as comprehensive as possible.³⁰ Moreover, given the often dual characterisation of Italian historiography which tends to overemphasise the differences between North and South, important penal institutions from

identity, see Giulio Bollati, ‘L’Italiano’, in *Storia d’Italia 1: I caratteri originali*, ed. by Ruggero Romano and Corrado Vivanti (Turin: Einaudi, 1972), pp. 951-1022. For the ideological roots of the Risorgimento led by the moderate liberals, see in particular Vincenzo Cuoco, *Saggio storico sulla rivoluzione napoletana del 1799*, ed. by Anna Bravo (Turin: UTET, 1975 – first published 1801); in English see Vincenzo Cuoco, *Historical Essay on the Neapolitan Revolution of 1799*, ed. by Bruce Haddock and Filippo Sabetti (Toronto: University of Toronto Press, 2014); and Vincenzo Cuoco, *Platone in Italia*, ed. by Antonino De Francesco and Annalisa Androni (Rome: Laterza, 2013 – first published 1806).

²⁹ Sbriccoli, ‘Dissenso politico e diritto penale in Italia tra Otto e Novecento: Il problema dei reati politici dal Programma di Carrara al Trattato di Manzini’, *Quaderni fiorentini per la storia del pensiero giuridico moderno*, 2 (1973), 607-702 (p. 636).

³⁰ For more details on the archival material used see appendix I.

both geographical areas (*L'Ucciardone* in Palermo and *San Vittore* in Milan) were included in the study. The aim was to ascertain whether the stereotypical image of a 'backward South' in contrast to a 'progressive and efficient North' would emerge from the realities on the ground. No significant differences in terms of prison administration were found in this regard at any level.

In relation to the behaviour of prisoners and their disciplinary records, it is worth noting that only inmates from penal institutions called *Casa penale* were used in this study.³¹ This has several advantages. Convicts in a CP usually served long sentences (above twelve months), which gave them enough time to experience prison discipline and to feel its effects on the long term. Moreover, in most cases sentences included a period of solitary confinement.³² Although it is virtually impossible to investigate on a case-by-case basis what the actual effects were of solitary confinement, and how it had an impact on individuals' lives, instances of SCC will nonetheless serve as an indicator of the harshness of the penal system.³³ On the other hand, the enforcement of SCC was often hindered by overcrowding and the lack of cells. Such difficulties revealed not only an over-extended use of incarceration, but also the structural inadequacies of the prison system which, despite adopting up-to-date penal methods, in many circumstances showed signs of its inability to cope with modern forms of punishment. Despite this, the primary sources used in the present study will allow for a reliable assessment of the average length of time a long-term convict was expected to spend in solitary confinement. In comparison with CPs, pre-trial gaols, known as *Carceri giudiziarie*, usually had a very high turnover of its inmate population, and annual figures that would have made the work excessively laborious and impractical.³⁴ This is the case with San Vittore in Milan for example. Nonetheless, its well-kept prison registers can offer an excellent source for the study of the social background of inmates in a rapidly growing urban and industrial area such as Milan and its province by the end of the century.³⁵ They also show the presence of women

³¹ Henceforth CP.

³² Henceforth SCC. In the Italian prison system SCC stood for *Segregazione cellulare continua*: 'Uninterrupted Solitary Confinement'.

³³ Other historians have used similar criteria to gauge the harshness of a penal regime. As an example see Judith Pallot, 'The Gulag as the Crucible of Russia's 21st-century System of Punishment', *Kritika: Explorations in Russian and Eurasian History*, 16, 3 (Summer 2015), 681-710 (p. 692).

³⁴ Henceforth CG.

³⁵ For more details see appendix IV.

who, in general, were arrested for prostitution. In most cases they would not spend more than 24 hours at San Vittore and their numbers remained below 5%.³⁶

Most of the data on inmates, their behaviour and the various ways they were punished, were collected from Senigallia, in the Ancona province. Again this was the result of a compromise between what was available in terms of primary sources and what was needed for a sound historical reconstruction. In particular, Senigallia had at least three strong points in favour of this research. First, it was a CP, and therefore had a relatively stable and long-term prison population, as explained above. Second, it can be seen as a typical Italian penitentiary of the nineteenth century, located in a medieval castle, away from big cities and main traffic routes, and with all the inadequacies of ancient buildings that had been converted into prisons.³⁷ In this regard, some of the new and state-of-the-art prisons such as Le Nuove in Turin, useful though they might be for the study of, say, new surveillance methods, nonetheless represented the exceptions rather than the rule. The usual prison in late nineteenth-century Italy was located in either a medieval castle or fortress (e.g. Saluzzo, Senigallia, Volterra, Castelfranco Emilia), or in an old monastery converted into a prison (e.g. Alessandria, Sant'Eframo, Regina Coeli). In some cases they were located in remote areas and away from big cities. In this sense Senigallia is a fairer representation of a typical place of confinement for long-term convicts. And third, its registers are relatively well preserved which allowed for an extensive perusal of most of the volumes.³⁸

In this regard it is worth noting that Italian prison registers have a particular characteristic that adds to the aforementioned 'mosaic strategy'. Although the majority of the data on discipline and punishment was collected from Senigallia, it does not mean that all instances of punishment happened there. This is because the registers were meant to be a complete historical account of one's time in prison, and hence the recording of violations and disciplinary measures included all penal institutions where an individual had been before his arrival in Senigallia. Thus in many cases we shall see examples of punishment from other prisons throughout the country, with a large prevalence of CPs in any case.

³⁶ On the presence of women in Italian prisons see Trombetta, *Punizione e carità*.

³⁷ See picture on p. 43.

³⁸ Unfortunately this was not the case with most of the prison registers held by the Rome archives.

The Italian prison system had, however, a larger and more complex apparatus, and this included other types of penal institutions such as *Bagni penali* (BP) and *Case penali intermedie* (CPI). Very often those with life sentences were sent to BPs, and for this reason some BPs were also called *Ergastolo* (ERG), which in modern Italian became synonymous with life sentence. CPIs were basically penal colonies and often their inmates were forced to do hard labour in the fields, or were employed in land reclamation, especially in malaria-infested areas, as previously seen in the example of Tre Fontane. CPIs have been subject to intensive study by historians such as Daniela Fozzi and Mario Da Passano, and had a specific discipline and internal organisation which set them apart from ordinary penitentiaries for male offenders. On the other hand, inmates from ERGs and BPs could hardly offer a suitable sample for study since their life-sentence convicts had, in fact, been singled out by the penal system as being outside the range of reformatory purposes. With no hope of freedom or any concrete future prospects, they had no real incentive to 'reform'. In other words, they had no reason to conform to the prison's rhetoric and, regardless of their feelings on this score, did not fit into the bourgeois national project anyway. They had been excluded from the national community for good and, before 1889, would have been sentenced to death. In fact, *ergastolo* had been included in the new Penal Code as a substitute for capital punishment, and was the result of a political compromise which aimed at keeping a high level of deterrence whilst abolishing the death penalty. This irrevocable exclusion from society generally did not apply to convicts in the CPs, who had more incentives to respond positively to the penal regime and nurture some aspiration for the future. This makes CP's inmates more suitable for the present study.

There were yet other types of penal institutions, such as *Carceri mandamentali* (CM), *Riformatori* (RIF), and *Manicomi giudiziari* (MG).³⁹ The first were basically pre-trial gaols located in smaller towns for short-term incarceration, the second housed only juvenile offenders, while the third functioned as prison-hospitals for mentally-ill inmates. To some extent, such considerable variety of institutions was a legacy of pre-unitary states, as in the case of BPs. On the other hand, this was also part of the response of the new state to calls to increase social control and modernise its penal system. Yet this overall view of the Italian

³⁹ For the purposes of the present study there is no need to mention every type of penal institution existing at the time. Excluding military and ecclesiastic prisons, they amounted to a total of fourteen.

penal apparatus is not to suggest that there existed a coherent and homogeneous policy for the management of all institutions, which would be delivered by a central office. Whereas most prisons were subordinated to the Interior Ministry, until 1866 BPs were under the administration of the Navy. Reformatories, in general, were not under the direct control of the state, whereas MGs started to emerge only slowly, when a section of the prison in Aversa was converted into a 'surgery for maniacs' in 1876.⁴⁰ Up to 1889 Italy did not have a unified penal code, nor could it have uniform prison regulations in the absence of a national penal policy. Thus the Italian penal apparatus was characterised by lack of consistency and fragmentation, and this also affected prison staff. CM warders, for example, did not have standard wages, and their contracts varied according to changes in local government. This situation lasted until at least 1890-91, when following the issuing of the new Penal Code a unified set of prison regulations was created for the whole nation. Therefore a national prison system can only reasonably be talked about from 1891 onwards.

Despite its heterogeneous nature and lack of uniform rules, a partial representation of the prison system can be attempted by looking at its size and evolution after national unification. According to Federico Bellazzi, a former Garibaldinian, prison reformer, and prefect, in 1866 there were thirty-five CPs with a capacity for 8,000 prisoners.⁴¹ Italy also had twenty-four BPs, ranging from Genoa, Ancona, down to Trapani in Western Sicily.⁴² Additionally, 137 pre-trial gaols were located at the seats of Courts of Appeal and District Courts. Among these, many were described as inadequate, or in a 'very bad state'.⁴³ In terms of numbers of inmates the total would have amounted to 60,000 (compared to a total population of 21,777,334 at that time), with 1,320 escapees between 1861 and 1865.⁴⁴ In general, Bellazzi's figures can be considered as realistic, though his prison population is inflated and certainly above the average numbers for the first decade after 1861. According to official statistics the average population in all penal institutions, including men, women and juveniles, amounted to approximately 57,000 individuals.⁴⁵ However, this average included all territories

⁴⁰ For an overview of the state of penal facilities for juvenile offenders see: Maria Sophia Quine, *Italy's Social Revolution: Charity and Welfare from Liberalism to Fascism* (Basingstoke: Palgrave, 2002), pp. 221-222.

⁴¹ Federico Bellazzi, *Prigioni e prigionieri nel Regno d'Italia* (Florence: Tipografia militare, 1866), p. 28.

⁴² *Ibid.*, pp. 33, 53.

⁴³ *Ibid.*, pp. 26-27.

⁴⁴ *Ibid.*, pp. 100, 153.

⁴⁵ ISTAT, tavv. 53, 54.

incorporated after 1866 and 1870, namely Rome, together with the Papal States, and the whole Veneto region. Bellazzi was cautious, though, and pointed out that gaps and inaccuracies were to be found in the actual documents and statistics issued by the Interior Ministry in 1866.⁴⁶

Nearly two decades later an official report on the conditions of the prison system was released by the head of the prison administration, covering mainly the years from 1878 to 1883. According to this, there was an overall total of 420 prisons in Italy. More specifically, there were twenty-nine BPs, sixty major penal institutions (including places of confinement for male, female, juveniles and the mentally ill), and sixty-nine CGs.⁴⁷ It is reasonable to assume that CMs and local gaols made up the majority in the total given by the report. In this connection, it is worth noting that making a detailed classification of all penal institutions is not always possible for several reasons. First, the prison apparatus had to be updated in accordance with the new Penal Code after 1889. Centralisation and standardisation of the prison system was far from being a straightforward process and structural changes occurred only gradually. This entailed several rearrangements which changed the category of penal institutions over time. Thus what was originally classified as a BP could, a little later, become either a CP, a CPI, or disappear from the statistics altogether following closure. In some cases, two distinct penal institutions could remain 'invisible' because they belonged to one single administration, though this does not appear on the documents, thus giving the impression that there was only one prison. This was the case, for example, with Cagliari (CP) and Isili (CPI), both belonging to the Cagliari Penitentiary complex until 1882. Furthermore, documentation on such changes is often missing, incomplete, or contradictory. Finally, the official classification of penal institutions in some cases is obscure. As an example, the distinction between CPs, CPIs and MGs is not made clear in the 1884 report. To some extent, this shows that the prison system was going through a process of reform and modernisation, but it also reveals poor organisation and inconsistency. Poor organisation in the penal system was not solely a characteristic of prisons. As highlighted by Mario Da Passano, any attempt to give an

⁴⁶ Bellazzi, *Prigionieri*, p. 143, n. 4.

⁴⁷ Beltrani-Scalia, *Relazione*, pp. 16, 130-141.

accurate account of the execution of death sentences before and after unification is beset by contradictory figures and patchy data. This was observed by contemporaries as well.⁴⁸

As for the offenses committed and the prison population, the statistics in the report give the impression of a security crisis, and this was the tone that often prevailed in public debates on prisons and penal policy. However, the figures could be misleading for a variety of reasons, not least the actual difficulties that Italian statistics faced in those years.⁴⁹ Nevertheless, and by way of example, figures on crime and prison population taken from the report indicate that there were on average 72,000 inmates in Italy every year, of whom 32,000 were convicts and 40,000 on remand. This would have amounted to 0.25% of the total population at that time. As for the number of offenses brought to the courts this corresponded roughly to 0.9%. By comparison, England in the same period had 0.11% and 2.57% respectively.⁵⁰ Although Italy had a higher proportion of people in gaol, it is worth noting that there were considerable differences in penal legislation, social conditions and the police apparatuses of the two countries, and these cannot be analysed here. These figures, nonetheless, do not suggest there was a security crisis, nor they reveal a particular criminal tendency in Italian society. They do show, however, that the much deplored Italian 'primacy' in the criminal sphere was not only the result of the moderate liberals' discourse on crime and immorality, but also a reflection of the levels of criminalisation that permeated society at the time. In this connection, it is worth remembering that a considerable number of arrests were carried out for vagrancy, unemployment or minor offenses, whereas most of those awaiting trial were never actually convicted. Thus the levels of 'criminality' were less impressive than has been suggested. Nonetheless, the figures per se may give the impression of a social order under threat, and they matched closely with the official data released by the state.⁵¹

On the other hand, these figures are not to suggest that the Italian state was in full control of its prison apparatus. In fact, inaccuracy of the prison statistics was one of the recurrent complaints voiced by top officials and MPs, with virtually no one really knowing how many

⁴⁸ Da Passano, 'La pena di morte nel Regno d'Italia 1859-1889', in *Diritto penale*, ed. by Vinciguerra, pp. 579-651 (pp. 598-599).

⁴⁹ For the ups and downs of the Italian statistics see Dora Marucco, *L'amministrazione della statistica nell'Italia unita* (Rome: Laterza, 1996).

⁵⁰ Stephen Hobhouse and A. Fenner Brockway, *English Prisons Today* (London: Longmans, 1922), pp. 26, 28 - tables B, D.

⁵¹ ISTAT, tavv. 5, 51, 53.

people were in gaol, and why. Indeed, in 1884 Beltrani-Scalia, the head of the prison administration, started his five-year report on the conditions of the penal system with a cautious note, and remarked that before 1883 the official statistics on prisons were 'unreliable'.⁵² Indeed, he had already expressed his doubts on the state's ability to produce reliable figures five years earlier, and stated that the statistics published by the Interior Ministry were incomplete and the figures on crime issued by the various government offices were contradictory.⁵³ At that time Beltrani-Scalia was probably the most experienced top official in the prison administration and had been gathering material on prison reform in Italy since 1855. By the late 1860s he had acquired a reputation as an international expert on prison matters.⁵⁴ Moreover, he wanted to safeguard himself, and warned that his own report may not be free from inaccuracies. This was because prison data, and national statistics in general, suffered from deficiencies as well as from political influence, which he euphemistically called a 'misuse' of the statistical science.⁵⁵

It would therefore be fruitless to search for the ultimate figures. On the other hand, focusing on inmates' and warders' responses to the penal regime, together with an analysis of the prison regulations, might be a more constructive approach. This will be integrated with documents produced by the prison administration, and also with the comments and writings of top officials, prison governors, and medical staff. A few examples of more articulate written testimonies left by inmates will also be used, while in order to have a more comprehensive view of the Italian prison system, other aspects related to incarceration will be considered as well. Those of particular importance will be dealt with in specific chapters according to the following outline.

1 – 'The Conditions of Confinement': In chapter one key aspects of life in prison will be analysed in order to get a better understanding of how the prison physical structures and its internal organisation had an impact on inmates and, consequently, on their rehabilitation. It will therefore focus on prison buildings, living conditions, and prisoners' health problems. This

⁵² Beltrani-Scalia, *Relazione*, pp. 5-6.

⁵³ Martino Beltrani-Scalia, *La riforma penitenziaria: Studi e proposte* (Rome: Tip. Artero, 1879), pp. 55-56, 93-94.

⁵⁴ *Dizionario biografico*, VIII (1966), 80-82.

⁵⁵ Beltrani-Scalia, *Relazione*, pp. 5-6. For the ideological and political implications of statistics in Italy both before and after unification see Silvana Patriarca, *Numbers and Nationhood: Writing Statistics in Nineteenth-Century Italy* (Cambridge: Cambridge University Press, 1996).

will provide the background knowledge for a more informed assessment of the following chapters and, in particular, chapters three and four. Moreover, chapter one will provide an overview of the three most important methods of prison discipline in the nineteenth century (Auburn, Philadelphia, and the Irish System), together with examples of prison reform in pre-unitary Italy which applied the new methods borrowed from the United States. Concrete examples of prisons from all main geographical areas in Italy will be used to illustrate living conditions of inmates throughout the nation. It will also analyse the impact of confinement by exploring the physical and mental health of inmates, in connection with the responses of government officials to the problems of poor sanitation and suicide in prison.

2 – ‘The Quest for Modernity: Beltrani-Scalia and the Reform Project’: The Penal Code, and prison reform in particular, are important indicators of the preparedness of Liberal Italy to embrace modernity and pursue a coherent project of democratisation. Chapter two will analyse the ideological bases of the reforms that took place in the years between 1889 and 1891. It will explore the tortuous path leading to the new Penal Code. The latter was far from being a simple matter of achieving the harmonisation of distinct legal traditions between different regions in the peninsula. Nor was it a question of a mere ‘updating’ of jurisprudence. Indeed, penal law involved a range of complex issues which concerned in particular the political arrangements and social structure of Liberal Italy. The Penal Code therefore will be analysed not only as the main legal bases behind the new prison regulations, but also as the result of political battles and the disputes between two currents of penal thought: the classical and the positivist school. In the prison reform that followed, the chief inspector and head of the prison administration, Martino Beltrani-Scalia, played a crucial role, and his career and political background will help our understanding of the ideological choices underpinning the General Prison Regulations. Finally, chapter two will provide an insight into the machinery of the state bureaucracy which was responsible for the functioning of the prison system according to the principles set out by the reform.

3 – ‘Prison Regulations and the Idea of Moral Reform’: Chapter three will examine the General Prison Regulations in more detail, and highlight the key principles and features of prison discipline and how it aimed at reforming inmates. It will try to explore the central tenets of prison reform in connection with a wider discourse on discipline and obedience which went beyond the penal sphere and penetrated the state bureaucracy. On the other hand, it will

'give voice' to inmates by analysing their responses to prison discipline. Their responses will be explored through a variety of documents, including prison register books, written accounts, and evidence of an inmate subculture. It is essential to understand how prisoners saw the penal regime because it can illuminate some fundamental aspects of the penal project in late nineteenth-century Italy. Unlike the typical image of the lower classes, inmates were not passive individuals. Indeed, their responses will reveal a particular insight into the contemporary social and political conflicts, and promote a critical reassessment of legal punishment. In this connection, the irrationality and futility of many prison regulations will be analysed with examples of the conspicuous contradictions between prison discipline and the professed goals of rehabilitation. Moreover, inmates' responses, and their ability to adjust behaviour to the prison regime, will be examined to highlight some essential points of the political project of Liberal Italy in both its new 'scientific' discourse and in more traditional forms of control. Finally, we shall see how the prison authorities resorted to and manipulated religion to give meaning to punishment, even if this meant contradicting some basic principles of the reform and cherished secular values.

4 – 'Warders': Chapter four will explore the lives of prison guards to try to understand how they could help in the rehabilitation of inmates. A focus on prison guards can indeed further a more insightful understanding of the liberal project of moral reform since they spent more time with inmates than any other state agents. Hence it is essential to look at warders, and in particular at their working conditions, wages, and social background. Despite the strict discipline, warders also responded to the prison regime in their own ways. We shall therefore analyse what they can reveal about the liberal penal project, and how working conditions affected prison discipline and the potential rehabilitation of inmates. In this connection, the relations between warders and inmates will serve to elucidate their conditions in prison and the contrast with the idea of moral reform. Concrete examples will be provided to demonstrate how prison discipline, and security in particular, took precedence and, to a great extent, frustrated the reform plans. Finally, chapter four will examine some examples of the relations between warders, prison governors and central authorities to illustrate the peculiar combination of poverty, paternalism and state authoritarianism that marked the experience of many warders. We shall see that, in many ways, the captors' conditions differed little from the captives'.

Conclusion: a summary of the present work will be provided, with particular attention for the overall argument on the prison regime and the social and political project that underpinned the penal system of Liberal Italy as outlined in this introduction. Using the subjects and some key aspects of incarceration discussed in the present study, suggestion of potential areas will be made for further research.



Casa penale di Senigallia: The Rocca Roveresca, before 1930, used as a prison. (Sergio Anselmi, Senigallia e i suoi dintorni (Senigallia: Edizioni 2G, 1969), p. xxv).

Chapter One: The Conditions of Confinement

'In Italian prisons one starves to death (...)'⁵⁶

'Prisons are for the poor and the insane.'⁵⁷

Chapter one will address the main questions on the conditions of confinement that had a significant impact on inmates' physical and mental health. As previously mentioned, a thorough comprehension of a modern penal system can only be achieved if those subject to the penal treatment, together with the operators of the prison system, are taken into consideration. Thus the human element will occupy a central position in the present study. On the other hand, an investigation of prison architecture and the conditions of confinement requires a parallel examination of the social and political context in which a particular idea of prison developed and was turned into reality. Thus the new penal theories of the nineteenth century and the reasons that determined the choice made by governments in penal policy will be explored as well. Prison architecture and living conditions were strictly related to a particular penal discipline, but they were connected also to political beliefs and the socioeconomic context surrounding the reforms. For many inmates Italian prisons resembled a total experience, in the sense that the prison regime was unmitigated and its enforcement left no room for any autonomous activities or distraction.⁵⁸ Specific examples of prison discipline will be seen in more detail in chapter three. For the time being, we shall focus on the physical structure in which prisoners spent many years of their lives. Indeed, prison discipline and the General Prison Regulations were not a set of abstract rules, but existed and

⁵⁶ Augusto Giardini, 'Le nostre Carceri', *Lucifero*, 12-13 July 1902 (quoted also in *Luigi Fabbri: Studi e documenti sull'anarchismo tra Otto e Novecento*, ed. by Roberto Giulianelli (Pisa: BFS, 2005), p. 38, n. 137.)

⁵⁷ Senior warder at *Stella di Portoferraio* Prison in Tuscany, where the democrat Carlo Bini was held captive in 1833. Carlo Bini, *Il manoscritto di un prigioniero e altro*, ed. by Mario Ambel e Marziano Guglielminetti (Bologna: Cappelli Editore, 1978), p. 56.

⁵⁸ On the importance of mitigating discipline in total institutions see a discussion on 'removal activities' in Erving Goffman, *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates* (London: Penguin, 1961), pp. 271-274.

were enforced within real penal institutions. The latter could not but exert significant influence on the penal treatment itself and its outcome. It is therefore of fundamental importance to investigate the conditions in which prisoners and warders lived and worked. In this context, it is worth remembering that structural flaws or unhealthy conditions were bound to have a significant impact on the lives of long-term convicts, but also on defendants who often would spend long periods in confinement whilst awaiting trial.

Attention for the conditions of confinement grew in accordance with the expansion in the use of incarceration as the main form of punishment between the eighteenth and the nineteenth century. Concern over the living standards of inmates and the prison regime developed in particular in connection with the rise of the idea of rehabilitation as a central tenet of penal legislation. If punishment was to supersede the crude notion of retribution, and aimed at changing offender behaviour for the better, then a proper plan should be drawn in order to achieve that goal. This should involve of course the creation of a physical environment that was conducive to reform together with the appropriate management of prisons. A re-evaluation of the aims and methods of punishment towards a more humane and rehabilitative system was forcefully promoted by social reformers such as Elizabeth Fry (1780-1845) and John Howard (1726-1790) in Britain, and Giulia Colbert Falletti di Barolo (1785-1864) and Carlo Ilarione Petitti di Roreto (1790-1850) in Italy. They featured among the most important prison reformers in nineteenth-century Europe. However, penal policy was not free from contradictions, and prisons reflected the inconsistencies of prison reformers and policy-makers. In this context, models of incarceration, accommodation, hygiene, and other aspects of prison life, will be analysed in connection with inmates' health conditions and government's responses to specific problems. Two examples of modern penal institutions will serve to illustrate prison life in late nineteenth-century Italy. This focus on the physical environment and management will help understand whether incarceration created the preconditions to promote moral reform and to facilitate rehabilitation.

1 – Modern Penal Theory and Prison Buildings

Prisons were not shapeless receptacles for offenders and social misfits, but their architecture and organisation varied according to the aims of reformers and changes in penal policy over time. Thus, in the early nineteenth century, specific prison models were created in order to pursue the aforementioned goals of moral reform and rehabilitation. Leaving aside questions on ‘who’ came up first with penal innovations, or where these appeared for the first time ever, it is correct to say that the United States played a leading role in developing modern prison regimes in the nineteenth century, when incarceration assumed mass proportions. In earlier times, there had been instances of institutions for punishment based on specific disciplinary rules. However, they did not turn into a uniform type of institution, nor did they become widespread.⁵⁹ In nineteenth-century America, Jacksonian reformers devised new prison models as a remedy for what they saw as a disintegrating social order. Accordingly, the new prison would check the ‘increase of evil doers’ and ‘teach inmates the lessons of order and discipline’.⁶⁰

Thus in the 1820s New York and Pennsylvania set out two different types of prison. New York’s model became known as the ‘Auburn system’, from the Auburn State Prison, whereas Pennsylvania’s model was implemented at the Pittsburgh Penitentiary and the Philadelphia Prison, thus being referred to as the ‘Philadelphia system’. Despite the emphasis of both systems on ‘isolation, obedience, and a steady routine of labour’, they differed in the levels of segregation and running costs.⁶¹ Whereas in the Auburn system inmates worked together in silence during day time, and were locked up in individual cells for the night, at Philadelphia

⁵⁹ As an example, between 1701 and 1704 a House of Correction was built in Rome by the architect Carlo Fontana on behalf of Pope Clement XI. It was a reformatory specially designed according to a disciplinary programme, and aimed at punishing disobedient youth and turning them into industrious and law-abiding individuals. The regime involved long hours of compulsory work, frugal meals, isolation, silence and prayers. Flogging was a usual penalty for breaking the rules. As will be seen later, the penal institution known as *Casa di correzione di San Michele a Ripa*, as well as the *Carceri Nuove*, also in Rome (open 1655), partially anticipated the American regime called the ‘Auburn system’. *Guida d’Italia: Roma* (Milan: Touring Editore, 2007), p. 575; Dubbini, *Architettura delle prigioni*, p. 9.

⁶⁰ David J. Rothman, ‘Perfecting the Prison. United States, 1789-1865’, in *The Oxford History of the Prison: The Practice of Punishment in Western Society*, ed. by Norval Morris and David J. Rothman (New York: Oxford University Press, 1998), pp. 100-116 (p. 105).

⁶¹ *Ibid.*

they had to endure a regime of solitary confinement throughout the sentence. Based on Quaker thought and the discipline of other Christian denominations, silence and solitude were deemed essential for moral reform, and work was to be done individually inside one's own cell. In economic terms, the Philadelphia system was more expensive because its strict isolation and highly individualised penal treatment required more staff and working hours to run the prison. Moreover, it precluded more profitable forms of production in workshops where work could be organised more efficiently and modern machinery could be accommodated, as was the case with the Auburn model. On the other hand, Auburn-type prisons were cheaper to build and run and, in the American case, allowed even to make a profit out of prisoners' labour.⁶² The higher costs for running the Philadelphia system was therefore among the reasons why Auburn was preferred in many cases.

However, the endless debates and controversies between the supporters of each system showed that modern punishment was a far more complicated affair than a matter of economy and state's finance. Among other things, it was pointed out that long-term segregation jeopardised inmates' sanity. In fact, and following a variety of careful investigations, it had been demonstrated the harmful consequences of long-term isolation. In Italy, for example, the government of the Grand Duchy of Tuscany had adopted the Philadelphia system since 1849. Ten years later the prison doctor Carlo Morelli published a book based on his work at the Volterra Penitentiary to denounce the deleterious effects on the mental health of inmates.⁶³ According to his studies, most prisoners became insane after being incarcerated under the new regime, while death rates went up because of solitary confinement.⁶⁴ Whether for moral or pragmatic reasons, in Europe the Philadelphia system did not become widespread, though in some countries it was adopted on a large scale. Britain, for example, had 55 penitentiaries running on the Philadelphia system, plus six more in construction according to the principles of isolation in 1850. Pentonville was probably the most notorious, with its eighteen-month regime of solitary confinement and appalling results in terms of inmates' mental health disorders.⁶⁵ In general, the use of uninterrupted solitary confinement would decrease in late nineteenth century, and Tuscany reconsidered it after Morelli's

⁶² Capelli, *La buona compagnia*, p. 118.

⁶³ *Saggio di studi igienici sul regime penale della segregazione fra i reclusi, o della buona compagnia, introdotto e sperimentato in Toscana fin dall'anno 1849* (Florence: 1859).

⁶⁴ Capelli, *La buona compagnia*, pp. 320-323.

⁶⁵ Giulianelli, *L'industria*, pp. 21-22; Capelli, *Intellettuali*, pp. 85-86.

denunciation. A 'third way' was then to prevail in Europe, which combined elements of both systems. In fact, a mixed system was proposed and supported by a range of leading prison reformers from various nations, including André Gosse and Charles Coindet from Switzerland, the German jurist Karl Mittermaier, the Chief Inspector of prisons in France Charles Lucas, Prince Oscar from Sweden, and in Italy, the social reformer and prison expert Carlo Ilarione Petitti di Roreto. Their influence helped shape modern incarceration in Europe.⁶⁶ This led to the creation of different arrangements in each country, but in general, they tended to mitigate isolation. This was the case with the so-called 'Irish system', devised by Walter Crofton, and which in many respects would inspire the Italian prison system during the 1889-1891 reforms. On the other hand, mitigation did not mean the complete abandonment of solitary confinement, but a relative reduction in its use, in consideration of the detrimental impact on prisoners' mental health already seen in North America and Europe.

Modern prisons were therefore built in line with the principles of the new penal theories, such as Le Nuove and San Vittore in northern Italy, whereas old gaols and buildings were refurbished to match the new criteria. However, the experience of reform in the peninsula was not new, and the precedents can help illuminate what could be the impact of prison reform on inmates. Before Italy became a united nation some of its regions had already embarked on prison reform. Thus pre-unitary states such as the Kingdom of Sardinia and the Grand Duchy of Tuscany, for example, had been reforming their penal systems in the nineteenth century. As previously mentioned, Tuscany had adopted the Philadelphia system, and in Piedmont instead, the Auburn model was chosen as the main prototype for reform. Whereas in Tuscany the results had been disheartening for the noxious effects on inmates' health, in Piedmont the reform did not lead to a much better outcome. After extensive studies and preparation, which involved top officials such as Petitti di Roreto, it seemed that questions on how to build and organise prisons were far from being a straightforward matter of choice between the two basic models. In fact, in the 1840s and 50s it became apparent that neither Philadelphia nor Auburn was a panacea for the prison ills. In Piedmont, the penitentiaries in Alessandria and Oneglia in particular, proved that the Auburn system, just as Philadelphia, could seriously jeopardise inmates' sanity and physical integrity. By contrast, and rather ironically, inmates who stayed in the unreformed gaols seemed to cope better with

⁶⁶ Capelli, *La buona compagnia*, p. 123.

incarceration than their fellow captives in the new system. Indeed, there were instances of deliberate assaults by inmates who hoped to get heavier sentences in order to be transferred to an old BP, and thus free oneself from the Auburn regime.⁶⁷

The fact that hard labour and longer sentences were seen as more desirable shows that inmates under the Auburn system were in severe distress, and that their actions took place in a context of anguish and utter despair. In Piedmont there were other factors which contributed to undermine the reform, such as inadequate funding and mismanagement. However, the example of Alessandria and Oneglia did show that the new penal models borrowed from America and reworked in Europe were intrinsically harsh and bound to produce a cruel and inhumane regime. Isolation constituted a central feature of the new disciplines, but its enforcement could lead to extremely unhealthy conditions. The isolation cells in Alessandria, for example, were described as '*loculi*', literally meaning small 'graves': they were dark, damp, and cramped.⁶⁸ Hence it comes as no surprise that the prison administration had to deal with high rates of mortality, as was reflected in the very language used to describe the cells.

It goes without saying that prison buildings, and the conditions of confinement that were created as a result of the new penal disciplines, could have a detrimental impact on prisoners' health. This, by consequence, could compromise projects of reform and rehabilitation. On the other hand, whatever system governments chose to adopt, this had to be translated into building work and the construction of the physical structures required by a given discipline. In Italy, however, the modernisation of prisons became a long-lasting problem, and successive governments failed to pursue a well-defined reform programme with any consistency. This was in part due to the turbulent process of unification and the social and political instability that followed the events of 1859-60. In particular, the lack of a uniform penal code and the fragmentation of prison administration made it difficult to undertake any reform at national level. Moreover, according to the principles of modern penology, prison reform had become a very expensive operation, and Italy simply could not afford the massive investment required for a thorough overhaul of its extensive prison system. Thus since unification the poor state of prisons became apparent and prompted several debates in parliament. By 1876 the state

⁶⁷ *Ibid.*, pp. 271-272, 281-282.

⁶⁸ *Ibid.*, pp. 268, 272. *Loculo* in Italian, literally means a cavity in a cemetery wall for the burial of the dead.

finances had been sorted, while at the end of the following decade Italy had finally overcome its divisions on penal law and, in particular, on the death penalty, which was abolished in 1889. Yet, the new circumstances did not lead to a significant improvement. At the beginning of the twentieth century public denunciations were made about prisons and their state of structural and physical decay. As an example, in 1904 the socialist leader Filippo Turati delivered a speech in parliament in which he forcefully denounced the state of Italian prisons and, using a memorable analogy, compared them to ‘cemeteries for the living’.⁶⁹

Despite the reforms of 1889-91, the prison system still suffered from serious structural inadequacies. Cuts in public spending affected the penal system as a whole and, in particular, curtailed funds for the building programme that had been approved with the law of 14 July 1889. Further cuts would follow in the 1890s, and a budget review shifted money that had been allocated to infrastructure, to cover administrative expenses. Thus the Prison Administration was left with insufficient funds to carry out its project of refurbishment and modernisation. This led in practice to an unfinished reform and generated a hybrid prison system with ten CPs running on the Philadelphia system, five on the Auburn and twenty-one in a more or less communal regime, as it had been the usual practice in the old BPs.⁷⁰ This categorisation of different types of penal regime, however, should not be taken as general criteria to define the internal rules of each penal institution. As an example, in the main prison of Palermo, known as L’Ucciardone, there coexisted solitary confinement and communal living, thus allowing for different regimes to be enforced at the same time, and according to the changing circumstances.⁷¹ Moreover, fragmentation and lack of uniformity was compounded by overcrowding which forced the transfer of many inmates to CGs and CMs for lack of cells. Thus inmates on remand had to share their limited space with long-term convicts.⁷² In particular, these policies took place in the 1890s, when Liberal Italy made more arrests than ever in its history. By comparison, similar austerity measures in the penal sector

⁶⁹ Speech delivered on 18 March 1904 in the Chamber of Deputies and subsequently published with the title ‘*Il cimitero dei vivi*’; see Piero Calamandrei, ‘Bisogna aver visto’, *Il Ponte: rivista mensile di politica e letteratura*, 3 (1949), 225-227 (p. 225); Giulianelli, *L’industria*, p. 38.

⁷⁰ Law n. 6165 on prison buildings. Guido Neppi Modona and Luciano Violante, *Poteri dello stato e sistema penale. Corso di lezioni universitarie* (Turin: Editrice Tirrenia-Stampatori, 1978), p. 392.

⁷¹ ASP, b. 179, fasc. Atti del governo, letter-reply to the Interior Ministry dated 1 August 1899. From this document it is clear that L’Ucciardone had a complex structure and organisation, including also special cells for the insane.

⁷² Modona, *Poteri dello stato*, p. 392.

were put in place in France during the same years. However, and unlike in Italy, there the government and the magistracy implemented innovative policies aimed at reducing the numbers in prison. These involved the decriminalisation of behaviour or social condition (e.g. vagrancy) and the use of legal instruments to encourage non-custodial penalties (e.g. suspended sentences).⁷³

The spending review affected also other areas of prison administration, and cut funds for staff, food supplies and workshops. In this context, it is worth noting the nature of the argument used by the Italian government to defend its policies and the responses from public opinion. In fact, Leone Romanin Jacur, the Interior Ministry's spokesman, justified the cuts as a financial issue, but framed the government's policies in moral terms as a 'national sacrifice'. In Jacur's words the nation was going through an economic crisis which forced many 'honest people' to make 'great sacrifices'. Hence there was no reason for shame or self-reproach on the part of the government if in prisons there were no improvements, and 'evildoers' had to bear the brunt of the poor state of the prison infrastructure. In response to that, Luigi Lucchini, one of the most influential Italian jurists, co-author of the new penal code, and a staunch supporter of civil and political liberties, put the question into a broader perspective. In a sharp criticism to the management of prisons he declared that the government would be better off if it gave up its wasteful and expensive colonial adventures, and focused instead on the reform of the penal system.⁷⁴ It might be argued that Lucchini's criticism was rather cursory, and failed to grasp the complexity of factors which played in the distinct fields of internal security and foreign policy. Moreover, it could be said that the two branches of the state administration did not share the same budget, though the allocation of funds reflected of course a particular political line, and this was in any case decided by the government. However, the point made by Lucchini was insightful nonetheless. Leaving aside the technical issues related to state bureaucracy and how budget was allocated, the core of the problem lay significantly in the authoritarian and anti-democratic policies that dominated the 1890s. This was not a question of who was going to make the 'greatest sacrifice', nor of the amount of money available, but a question of political principle. The explanation given by the Interior Ministry tried to shift the subject from a political to a moral dimension. It wanted to exonerate

⁷³ Badinter, *La prison républicaine*, pp. 203, 258, 265.

⁷⁴ *Rivista penale*, 34 (1891), p. 57 (also quoted in Modona, *Poteri dello stato*, p. 393, n. 41).

the state from the responsibility to safeguard inmates' physical integrity and mental health on the basis of a specious argument: since austerity required sacrifices from 'good and honest' people, there was no reason to worry about 'evildoers', who could go insane and be left to perish in prison. Thus the government was ready to justify its inability to carry out a serious reform with the argument that those were 'hard times' for all, and that 'scoundrels' had to endure appalling conditions as their share in the 'national sacrifice'. Such an argument betrayed the true nature of the penal system, which was largely inspired by retributive principles and the idea of social vengeance. Moreover, it was oblivious of the consequences of the repressive policies enforced by the government, which threw thousands of people in gaol for minor violations, political activity or hear-say. They led to overcrowding and overstretched the resources of the prison system. As for the squandering of public funds in colonial campaigns, though risky they might be also in political terms, there was no 'austerity problem', and no questioning of their political wisdom. Rather ironically, Crispi's cabinet, which combined a 'tough-on-crime' attitude with an aggressive foreign policy, would have to resign precisely because of the disastrous campaign in Adwa (Ethiopia) in 1896.

Following the end of the overtly authoritarianism of the 1890s, and with the beginning of the more conciliatory approach of the cabinet led by Giovanni Giolitti, one might expect a thorough revision of penal policies would take place. However, in the years leading up to the First World War there would be little change, as suggested in an official report by Gerardo Gerardi, the head of the Prisons General Directorate (DGC).⁷⁵ In a document issued in 1915, Gerardi declared that the reform had been undermined because of the lack of suitable buildings and proper cells. This situation would further deteriorate with Italy's entry in the war, and on 30 June 1916 Gerardi wrote a new report in which he underlined the state of decay of the prison complex, the closure of penal institutions and the lack of work for inmates. Although the worsening conditions were linked to the state of war, it is clear from both documents that a general state of neglect characterised the whole system, and this took its toll on the prison population. In particular, Gerardi pointed out the 'very high' rates of suicide among convicts.⁷⁶ Mortality rates will be analysed in more detail in the section on inmates' health. It shows, however, that the conditions of confinement could seriously blight any

⁷⁵ DGC stood for *Direzione generale delle carceri*. As the prison branch of the Interior Ministry, it was responsible for the prisons of the kingdom and, after 1866, for all penal institutions for male adults.

⁷⁶ Modona, *Poteri*, p. 407, n. 83.

project of moral reform or rehabilitation. If the central authorities failed to safeguard inmates' physical integrity and mental health, it would be hard to argue that the project of modernisation of the penal apparatus put at its centre the improvement and rehabilitation of offenders.

2 – Modern prisons, management and living standards

The conditions of confinement were strictly related not only to the prison regime, but also to prison buildings. Despite the government's budget policies, and its discourse to justify penal policy, new prisons were built, and the state tried to reinforce its penal apparatus with the most advanced prison architecture. A significant example in this sense was the construction of a modern prison in one of the most industrialised and wealthy areas of the country. Borrowing some key elements from modern penitentiaries such as Pentonville in London (1842), San Vittore in Milan was built according to the most up-to-date penal techniques of the time, adopting solitary confinement and some of Jeremy Bentham's panoptical principles on surveillance. Its project was approved by the government in May 1867, but building work was delayed due to various flaws in the project, together with financial straits and administrative difficulties. Though construction faults were still being repaired almost twelve years later, the prison had nonetheless to be inaugurated as a matter of urgency on 24 June 1879, following an official request by the prefect of Milan. By the 10 July it was fully occupied and had a capacity of 768 prisoners.⁷⁷

Despite more than a decade having elapsed since the official approval of the project, the prison still had several problems, including flooding in the cells, defective heating and lighting, inadequate sanitary facilities, and faulty locks and doors. From the very beginning, the government sought to economise and construction work would have been further postponed

⁷⁷ Antonio Cantalupi, *I lavori per la costruzione del carcere cellulare giudiziario in Milano. Descritti e commentati dall'Ingegnere Antonio Cantalupi* (Milan: Galli Giuseppe Editore-Librajo, 1880), pp. 10, 45-47, 100.

had not the City of Milan stepped in.⁷⁸ Construction faults and structural inadequacies were compounded by excessive thriftiness, along with a system of contract work which involved several building firms and suppliers, not all of them entirely reliable.⁷⁹ The results of such difficulties could not but have a considerable impact on inmates' living conditions.

The government wanted a brand new prison on the cheap, and to do so tried to cut costs by all possible means. Thus according to the San Vittore's chief-engineer, Antonio Cantalupi, economic reasons had determined the choice of the building area, despite its low ground and proximity to the spring waters of San Siro.⁸⁰ This created a range of problems and, in particular, made it difficult to prevent dampness. Despite the additional waterproof covering that was applied to the prison walls the problem persisted, and conditions were made even more insalubrious by the recurrent flooding in the cells in rainy weather.⁸¹ Moreover, the cells were dark, stuffy and cramped.⁸² Winter time did little to relieve the plight of those arrested. Heating was defective and, in the central building in particular, temperatures in cells without windows quickly fell below zero. As an example, this was certainly the case in the winter of 1879-1880, when freezing conditions lasted for nearly two months and temperatures plummeted to minus 12°C. Similar conditions were to be found in all cells for punishment or isolation since none of them had any heating at all, whereas in the areas where heating was functioning the average temperature would have been around 11°C.⁸³ However, it is worth noting that the heating system was compromised in practice, especially in the cells. According to the project the opening of the heating-pipes was to be placed close to the ground. However, as reported by Cantalupi, inmates started using the heating network to communicate with each other. The central authorities then came up with a solution: to move the opening of the pipes to the ceiling, so to prevent inmates from talking through them. The change led to a substantial drop in temperatures and was implemented in accordance with

⁷⁸ For the long-lasting disputes on the terms of contract between the central government and the City of Milan see Eduardo Grottanelli, 'L'amministrazione comunale di Milano e la costruzione del carcere di San Vittore', in *Storia in Lombardia*, 2 (1985), 3-30.

⁷⁹ Cantalupi, *Carcere cellulare*, pp. 18-22.

⁸⁰ Cantalupi took on the direction of the works in 1875, following the demise of the previous chief-engineer and main author of the project, Francesco Lucca; *Ibid.*, pp. 11, 18 (n. 1); Grottanelli, 'San Vittore', pp. 6 (n. 7), 12.

⁸¹ Cantalupi, *Carcere cellulare*, pp. 43, 64, 162-163, 165-166.

⁸² Cells for punishment measured 14 cubic metres. Grottanelli, 'San Vittore', p. 27.

⁸³ Cantalupi, *Cellulare*, pp. 77 (n. 1), 82 (n.1), 90, 92, 98, 163.

the Interior Ministry's instructions. On the other hand, given the weather conditions, water-pipes froze leading to interruption of the water supply for more than fifty days.⁸⁴

Besides these particular circumstances, the chief-engineer observed that in general only cold water was to be used for the baths of newly arrested people. In fact, Cantalupi noted that many inmates were destitute and 'filthy' and had to wash on admittance. The hot-water tap, as found in 'ordinary' bathrooms, had been eliminated from the project, again following a specific directive from the Interior Ministry. Nevertheless, from his comments, it emerges that some discretionary power was left with prison staff, since 'it was still possible to fetch some hot water from the kitchen'.⁸⁵ Given such circumstances, one may wonder what would make hot water available for a newly arrested person, in particular during winter.⁸⁶ According to articles 227 and 228 of the General Prison Regulations, anyone taken into custody had to go through the cold bath, regardless of legal position, though it is unlikely that, at least in some cases, bribery would not rescue better-off prisoners from the bath ordeal.⁸⁷ It seems, however, that water supply in Milan should not be taken for granted anyway, for according to the experience of a prisoner at the end of the century, water had to be fetched with buckets because of the malfunctioning taps. Furthermore, sanitary conditions were generally poor. The floor in the bathrooms, in particular, was described as slippery and covered in a 'thin layer of mud', and the baths for inmates affected by infectious diseases were next to the others.⁸⁸

From a theoretical point of view, it is worthy considering that the poor conditions in a modern prison such as San Vittore, built in a wealthy and industrialised area, shows that penal thought and practices in Liberal Italy diverged significantly from the prison-to-make-proletarians Foucauldian paradigm. This notion of the prison as an efficient institution to discipline and turn 'rogues' into obedient servants of the growing capitalist industry could only make sense if the health of inmates – the would-be proletarians – were safeguarded as a basic condition for the rationality and profitability of the Foucauldian project. Put simply, in socio-economic terms the larger the pool of cheap labour available the higher the profits of industry. However, as we shall see in the next paragraph and later in this chapter, the authorities were

⁸⁴ *Ibid.*, pp. 77 (n. 1), 90-91, 157-158.

⁸⁵ *Ibid.*, pp. 114-115.

⁸⁶ The lowest average temperature in January in Milan was minus 2.2 °C. ISTAT, p. 9, tav. 2.

⁸⁷ RD 01/02/1891 n. 260.

⁸⁸ Paolo Valera, *Diario di un condannato politico nel Reclusorio di Finalborgo* (Milan: 1899), p. 22.

sceptical about the necessity to improve health services and seemed less than concerned with losing their 'rogues-turned-into-proletarians' due to disease and suicide. Indeed, prophylaxis and health improvement seemed to be secondary issues.

In this connection, it was observed that, given the high number of ill persons often to be found in the prisons of Milan, the facilities for health care at San Vittore were inadequate. In particular, and following an inspection carried out by a provincial Health Commission, it was reported by the prefect on 6 January 1879 that the prison lacked a suitable area for the treatment of infectious diseases. In this regard two plans were drawn up and submitted to the Interior Ministry for assessment on 23 April. Whereas the first plan consisted mainly of the adaptation of an existing area inside the surgery, with devices to improve its poor ventilation and lighting, the second was meant to add a brand new floor to the central building, with all the required elements to meet the standards of a ward for the treatment of infectious patients. Despite costing nearly 65% more, the second plan received the full support from the chief-engineer as the most suitable to solve the problem. However, the Interior Ministry had a different view on the matter, and with a note issued on 27 August declared that although the plan forwarded by Cantalupi was technically faultless, building work would not take place. The Ministry backed its decision by arguing that there was 'no urgency' and, so long as there were no epidemics, infectious inmates could be isolated in any cells that came empty.⁸⁹ In other words, unless epidemics broke out, there was no need for improving the prison health service.

Moreover, sanitary facilities were also defective, and the sewage system in particular was to become a constant source of concern. Pipes were often clogged up with solid waste and other material leading to poor hygiene and stink. The problem stemmed allegedly from a fault in the project, whereby the gradient of the sewers and the amount of water used were inadequate.⁹⁰ In this connection, it is worth drawing a parallel with a contemporary prison in the South of Italy which was operating in the same period. L'Ucciardone, in Palermo, was built in 1834, and opened in 1840.⁹¹ It was situated in the northern outskirts of the city, and was

⁸⁹ Cantalupi, *Cellulare*, pp. 113-114, 160-162.

⁹⁰ *Ibid.*, pp. 152-153.

⁹¹ ASP, b. 179, fasc. Atti del governo: letter-reply to a survey conducted by the government on the state of public buildings in Italy in view of the 1900 Paris Universal Exposition. The document, issued by the City of Palermo, is dated 19 October 1899. The information is confirmed in Salvatore Mario Inzerillo, *Urbanistica e società negli ultimi duecento anni a Palermo. Piani e prassi amministrativa dall'"addizione" del Regalmici al*

surrounded by cultivated fields at West and North. To the East lay the new harbour, and to the South the old city.⁹² It replaced the old Vicaria gaol at Piazza Marina, in the city centre. The construction of the new prison took place within comprehensive policies aimed at social control, as demonstrated by the foundation of two orphanages between 1826 and 1834, a poor's house in 1835 and, in the same year, the expansion of the Lazzaretto dell'Acquasanta, originally a lepers' hospital, on the seaside and Northeast from the prison.⁹³ It displayed a modern penal architecture, including a panoptical structure, and by the end of the century could house nearly 2,000 inmates. In fact, in the early 1890s the prison grew bigger with the addition of two more wings to the original seven. By 1899 the penitentiary complex had 73 dormitories (with a capacity varying from 10 to 37 inmates each), 407 cells for solitary confinement, 10 workshops with an overall capacity of 60 inmates, a surgery in the fourth wing, plus a section in the third wing for 66 female prisoners. It was also well equipped to enforce strict discipline with 49 'cells for punishment', 2 'dark cells' in the first wing and 2 'disciplinary rooms' (for warders). In the fourth wing lay a special cell which was kept for 'observing the insane'.⁹⁴

L'Ucciardone was certainly a complex structure. In the urban context of mid-nineteenth-century Palermo, it may have resembled a penal citadel with its nine multi-storey wings, its massive walls, a central rotunda where the workshops were located, and a population that in October 1899 were above 2,000 people (there were 2,033 inmates and 85 prison guards).⁹⁵ Its management certainly posed several challenges at that time and imperfections in its structure or shortcomings in organisation gave rise to serious concern about security and safety. Indeed, and in similar ways to San Vittore, hygiene was also an issue, and this involved the sewage system in particular.

Concorso del 1939 (Palermo: STASS, 1981), p. 18. *Contra*, Vincenzo Palazzotto, *Emmanuele Palazzotto architetto (1798-1872). Catalogo dei disegni* (Palermo: 1990), pp. 10-11 and *schede* 68-69, who maintains that the prison project was drawn in 1838.

⁹² Fifty years later its location would be deemed unsuitable, for the city had expanded, with new buildings near the prison. By the end of the nineteenth century it was said the prison would have to be relocated soon. However, it is still in operation in the same place nowadays. Inzerillo, *Urbanistica*, p. 18.

⁹³ *Ibid.*, pp. 17-18.

⁹⁴ ASP, b. 179, fasc. Atti del governo, document dated 23 August 1899.

⁹⁵ *Ibid.*, fasc. Statistiche 1899-1900, Allegato 4: 'Movimento avvenuto nel personale di custodia nell'anno 1900'; though according to a document dated 20 February 1900 warders numbered 132, in *Ibid.*, fasc. Stipendi, paghe, indennità al personale: 'Elenco dei fondi mensa delle guardie'. Clerks, religious personnel and staff outside the prison administration are not included in these figures. See appendix 6, pictures 1 and 2.

On 20 July 1889 the issue was raised by the prison governor, who communicated to the prefect that the sanitary conditions stemmed from a project fault in the sewers.⁹⁶ On closer examination, however, the problem shows that poor sanitation involved wider issues, from the actual living conditions to management and prison discipline. Furthermore, it can also illustrate the different attitudes among officials towards the deficiencies and shortcomings of the prison apparatus.

In order to get to the root of the problem an inspection had been carried out on 13 March 1889 by a team of civil engineers. An official report was subsequently issued and sent to the prefect, who, by the end of the month, passed on his views to the prison governor. The report paid particular attention to hygiene and revealed that prisoners who previously used straw for their personal hygiene in the toilets, had been using horsehair taken from their mattresses. It was said that horsehair, unlike straw, did not decompose and, once thrown into the toilets, led to the obstruction of the sewers. Thus on 30 March the prefect urged the prison governor to prohibit the use of horsehair by inmates.⁹⁷ Despite the fact that the sewage structure facilitated obstruction, prisoners were nonetheless deemed to be the ultimate culprits for the prison's poor sanitary conditions. The reasoning behind the authorities' decision seemed very straightforward: Stop throwing horsehair in the toilets and the toilets will work properly. Despite its peremptory nature, the prefect's order carried no suggestion on how to tackle the source of the problem and help improve inmates' personal hygiene.

On 19 April, however, whilst going through the red-tape required to start clearing the sewers, the prison governor took care to express his own views on the matter. In doing so, the sanitary conditions of the prison population, and those of Palermo in particular, were inadvertently revealed. He observed that it might be true that, for want of toilet-paper or other suitable means, inmates had to use horsehair in the same way they had previously used straw. Yet, there was nothing new about that, since in 'many, or perhaps in all prisons of the kingdom' similar circumstances occurred, but that did not lead to the collapse of the sewage network. Significantly, he argued that the problem lay in a construction fault related to the bends of

⁹⁶ All the following information on the sanitary crisis in Palermo is taken from: ASP, b. 119, fasc. Latrine e pozzi neri.

⁹⁷ Within the administrative structure of the state prison governors were subordinated to prefects (RD 01/02/1891 n. 260, art. 17).

the sewers, thus taking the responsibility off the prisoners. Yet, and despite his reservations about the engineers' report, the prison governor declared he would enforce the new rule following the prefect's order, and warders would be instructed accordingly. The event revealed that prisons' construction faults and deficiencies could easily lead not only to unhealthy conditions for inmates, but also to an extra burden of work for warders.⁹⁸ Furthermore, the need for extra control was bound to increase tension between prisoners and warders, or alternatively, compromise and corruption. In either case, prison discipline was more likely to be undermined. In this regard, the prison governor concluded his letter with some scepticism, by subtly suggesting that the new regulation would be pointless, since controls could be enforced only at day-time.

The sanitary crisis at L'Ucciardone revealed the central authorities' lack of imagination about trying a more suitable and less authoritarian solution. As the prison governor pointed out, a ban on the use of horsehair could not be an effective response to the problem. It would not only increase the burden of work for staff, but the new rule could be easily violated at night. Moreover, the case in Palermo showed not only the failure of penal institutions to ensure basic standards of hygiene, but also the levels of destitution of inmates which, combined with poor management, led to a rapid deterioration of sanitary conditions.

Furthermore, this situation could be compounded by specific environmental circumstances, and put at serious risk the lives of inmates and staff. According to an official survey on public health conducted in the 1880s, cholera epidemics were a recurrent problem in Palermo, with more than 10,000 killed between 1866 and 1885.⁹⁹ Among the factors that increase the chances of a cholera outbreak are poor sanitation and lack of drinking water. Indeed, Palermo suffered from both, whereas the conditions of general destitution among inmates only helped to aggravate the problem. The capital city of Sicily had nearly 245,000 inhabitants (census of 1881), and most of its houses had sanitary facilities, though the report highlighted that in many areas the sewage system was defective.¹⁰⁰ Malaria was recurrent, whereas one out of eight deaths was caused by TB.¹⁰¹ In prison, the concentration of inmates in dormitories

⁹⁸ Warders' working conditions will be discussed in detail in chapter four.

⁹⁹ It corresponded to approximately 4.08% of Palermo's population. See *Risultati dell'inchiesta sulle condizioni igieniche e sanitarie nei comuni del Regno*, vol. 1 (Rome: Tip. Ospizio di San Michele, 1886), pp. 156-157.

¹⁰⁰ *Ibid.* and vol. 2, p. 476.

¹⁰¹ *Ibid.*, vol. 1, pp. 156-157.

certainly helped the propagation of the latter. Thus the state of public health and sanitation in Palermo suggests that the confinement of nearly 2,000 people in poor sanitary conditions posed a considerable risk to inmates and prison staff alike. Though San Vittore too had to deal with poor sanitation, it is worth noting that in Milan the environmental conditions were different. With a population of nearly 322,000, in Milan diseases such as malaria were rare. Epidemics of cholera did occur, but on a different scale: between 1867 and 1884 cholera killed 412 victims, thus Milan had less than 5% of the mortality rates of Palermo.¹⁰² This is not to say that environmental conditions would always determine the outcome of poor sanitation in prisons, but given the recurrence of epidemics and general malnutrition of most of the popular classes, with correlated immunodeficiency, sanitary conditions cannot be regarded as a matter of secondary importance. The next section of this chapter will look at prisoners' health conditions in more detail, and in connection with living conditions and social background.

Meanwhile, the crisis in Palermo would linger on and, in the light of later documents, it seems that the prison governor was not wrong in his belief that the root of the problem lay in the building project, and not in the behaviour of inmates. Thus on 20 July 1889 he confirmed his view in a letter to the prefect, adding that the gradient of the sewers was inadequate. In the same letter it was said that the clearing works had to be postponed following the advice of the prison doctors who deemed it 'unwise' to open the sewers in the heat of summer. As a matter of fact, the clearing works would be postponed year after year, whilst on several occasions DGC officials and prison doctors confirmed the prison governor's view that the sewage system was defective and 'badly constructed'. As late as April 1893, the problem was still classified, rather ironically, as 'urgent'. Then the toilets were described as in such a 'bad state' that the situation had a significant impact on the prisoners' health and hygiene.

Although it was not possible to find further documentation on this particular case, the research showed that the sanitary crisis in Palermo lingered on for a considerable length of time (nearly four years) without any sign of a resolution to the problem on the part of the authorities. Poor sanitary conditions were not only a potential trigger of epidemics and disease, but it was also demeaning to inmates, and eroded their sense of self-respect.

¹⁰² *Ibid.*, p. 170 and vol. 2, p. 198.

Unhygienic conditions and low self-esteem could not but sap the basic grounds needed to achieve the so-called 'moral reform'. This was a persistent problem that oppressed inmates over a long period. Many years later, and after two world wars, it would be denounced by Davide Melodia, a Sicilian evangelical minister and leader of the Non-Violent Prisoners Society.¹⁰³ Melodia had a direct as well as an indirect experience of detention. A former POW of the British in Egypt and South Africa, and with his brother deported to Dachau, Melodia had endured severe hardship and degrading conditions in captivity. Despite his traumatic experience though, Melodia refused to accept the dehumanising conditions imposed on ordinary prisoners. After the war, he would focus precisely on what he regarded as unjustifiable policies that were carried out in peace time and reflected, in many ways, the conditions of confinement he had known during the conflict. In particular, he would argue that the inhumane conditions faced by many POWs could not be said to have always been created deliberately, since war captivity was rendered harsh by the exceptional circumstances of war time. The same, however, could not be said about captivity in peacetime, and even less so because the proclaimed goal of incarceration was rehabilitation, and this was supposed to take place in a country that claimed to be 'modern and civilised'. He was clearly referring to post-war republican Italy, where he continued his experience of captivity, but now from a different perspective: Melodia became a prison teacher in Livorno, where he worked from 1956 to 1960.¹⁰⁴ His engagement and knowledge of the prison system would grow further though, and this was in connection with his role in the Non-Violent movement. Melodia gave direct assistance to inmates and their families. In particular, he pointed out that the lack of adequate sanitary facilities denied inmates any privacy and allowed for daily scenes of degrading humiliation. Based on his personal experience, Melodia came to the conclusion that prison, far from reforming, was a 'factory of monsters'. This was particularly the case when the conditions of captivity overstepped the threshold of psychological tolerance, leading to an irreparable breakdown of the individual's personality.¹⁰⁵ 'Factory of Monsters'

¹⁰³ It was founded in November 1974 by political figures from different backgrounds, ranging from members of the *Partito Radicale* to former Resistance fighters. At its core lay the defence of prisoners' human rights, their physical and mental integrity, and education for the achievement of social and political emancipation. For the Society's programme and methods see Davide Melodia, *Carceri: riforma fantasma* (Milan: SugarCo, 1976), pp. 31-39.

¹⁰⁴ Although Melodia focused on Italy, his critique could be virtually extended to any prison worldwide.

¹⁰⁵ Melodia, *Carceri: riforma fantasma*, p. 28.

was indeed the title of a play by Melodia, and there he gave forceful examples in this regard, showing the intrinsic paradox of prison discipline as a means to achieve moral reform.¹⁰⁶

Thus the conditions of confinement, as seen in the examples above, were far from facilitating reform and rehabilitation. On the contrary, they were degrading for inmates and reinforced views on the lower classes as unclean and amoral. Despite its proclaimed goals, the penal institution thus created an environment that was the opposite of the aims of legal punishment. It left little choice to inmates but to adapt to the circumstances, which in turn would reinforce prejudice. In chapter three we shall see how inmates got trapped in a similar discourse of 'incurability' which became an integral part of the penal environment and functioned as a self-explanatory justification of penal policy. It was a 'self-fulfilling prophecy', in which human degradation caused by the conditions of confinement and official rhetoric formed a vicious circle whereby hopeless prisoners were classified as subhuman beings. Thus discourse and actual conditions would construe a stereotypical figure of prisoners as inferior and perpetually in need of 'moral reform'.

Such conditions, however, were not the same for everyone. In this context, characterised by poor sanitation, overcrowding and lack of privacy, it is worth noting that in many circumstances prisons offered better accommodation for those who could afford it. Thus the often-repeated mantra about impartiality as a key principle in penal justice, was in practice contradicted by the prison administration itself.¹⁰⁷ At L'Ucciardone, for example, there were forty-four 'single rooms' at the cost of 0.33 lire per day, approximately 10 lire per month. Of course these were for a minority of better-off prisoners, whereas the majority could hardly afford to buy the basics, such as clothing and food. As an example, between January 1899 and June 1900, out of twenty-three inmates who died in Palermo, fifteen (65%) left no funds at all, only two left more than 10 lire (but none of them more than 18), and five left nothing but 'worn-out shoes and some ragged clothes'.¹⁰⁸ Of course the majority did not enjoy the same position as Giovanni Cannella and Giuseppe Viola, two inmates who spent 61,27 lire on rent

¹⁰⁶ Its self-explanatory title - *Fabbrica di mostri* - is indeed an eloquent indicator of the consequences of confinement in Melodia's experience. De Vito, *Camosci e girachiavi*, pp. 85-86.

¹⁰⁷ Although acknowledging the inequalities of the penal system, the head of the DGC would say nothing about better accommodation for fee-paying inmates. Beltrani-Scalia, *La riforma penitenziaria*, pp. 291-292.

¹⁰⁸ In one instance a note in the report read: 'Left few clothes – not fit for use' (in the original: '*Lasciava pochi capi di vestiario – tutta roba fuori uso*'). ASP, b. 177, fasc. Dementi, decessi, suicidi 1899-1900.

in 1899 during a six-month period.¹⁰⁹ They certainly spent more also on food and other services, but the fees paid for the 'single room' was a major indicator of their social status and of the intrinsic inequality of the penal system. Thus the conditions of confinement, though substandard for the vast majority, could vary according to one's ability to pay. The 'single rooms' were equipped with special furniture, and fee-paying inmates had access to better sanitary facilities. Moreover, they were not affected by overcrowding, whereas the great majority of prisoners on remand were exposed to the risk of having to share a cell with long-term convicts. Although the regulations allowed their renting only to inmates on remand, or to those who had not received a definitive conviction, the inequality of the system, and therefore its inability to convey a sense of fairness and moral principles, was manifest.¹¹⁰ It reflected and reinforced the social inequalities that in many cases were the root cause of incarceration. Indeed, it did nothing to make the penal system seem a fair instrument of justice in the eyes of the popular classes.

Poor sanitary conditions did not plague only inmates in the North and South. At the turn of the century, in the central region of Marche, two anarchists left their testimony on their experience of prison life. At *Santa Palazia* (Ancona), overcrowding and poorly designed cells made conditions particularly unhealthy. There was no running water, and drinking water had to be fetched with buckets which were left unattended in the corridors where cats penetrated to drink. Conditions were compounded by bug infestation, and inmates had to share the same unwashed 'slop pail'.¹¹¹ Moreover, inmates were starved by food rations that were both insufficient and of poor quality: at 9 am they had a 'loaf of bread' and at 11 am some 'watery soup'. In conditions of poor sanitation and undernourishment, inmates' health was at serious risk, and diseases and epidemics could spread easily. However, as seen above, the conditions of confinement varied according to one's ability to pay. Personal hygiene in particular, despite being peremptorily codified as a duty of each inmate whom could be punished for 'uncleanliness', epitomised the unfairness and contradictions of the prison system. Augusto Giardini, one of the two anarchists arrested, observed that soap was given only to those who could afford it, thus 'the poor, even if full of good will' had to remain 'filthy'. Ironically,

¹⁰⁹ *Ibid.*, b. 179, fasc. Statistiche 1899-1900, 'Celle a pagamento'.

¹¹⁰ See RD 01/02/1891, n. 260, art. 549.

¹¹¹ The unnecessary and humiliating 'slop pail' system was indeed one of the main points of Melodia's criticism of prison practices. De Vito, *Camosci e girachiavi*, p. 85.

according to article 69, letter 'g' of the GPR, inmates were 'obliged to keep their personal hygiene', and prison governors were responsible for making sure they met the criteria. The paradox was too obvious to escape notice, and prison officials must have been all too aware that the system was deeply unjust and dysfunctional. It was discriminatory and unequal also in relation to food since prisons were equipped with the so-called '*bettolino*', a catering service for those who could pay. Thus the better-off could complement the scanty prison ration with extra items. The others, in Giardini's words, 'starved to death'. Although the courts declared that whoever broke the law deserved a prison sentence, punishment was differentiated according to wealth and social class. These were not peculiarities of Ancona, but regarded the Italian prison system in general.¹¹²

Luigi Fabbri, who was also arrested in connection with the 1898 events in Milan, wrote about his term in the Macerata prison. Though less explicit than Giardini, also in Fabbri's account emerges a reality marked by chronic malnutrition and poor sanitation. As an example, all 150 prisoners in Macerata had to shave with the same razor which was passed on in turns, with the obvious risk of contagion and the spreading of diseases. During captivity Fabbri started to suffer from digestive disorders, which later on would aggravate and lead to his death.¹¹³ A comparable picture was given by Paolo Valera in Finalborgo, in the North-West Liguria region. At various points in his account, Valera dwelt on food in particular, and on health issues. Valera confirmed that the prison ration was not only insufficient but also of poor quality, and prisoners would eat anything to avoid starvation. According to his experience, the so-called *vitto legale*, namely the standard prison ration approved by the law, was actually made of a 'loaf of bread', which was distributed at 8 am; 0.150 Kg (or 0.33 lb) of 'poor quality pasta' and a second 'loaf of bread' (1 pm). The ration in Finalborgo was therefore clearly below the minimum recommended by the GPR, which varied from 0.200 to 0.260 Kg (0.44 – 0.57 lb) of 'minestra' (either pasta or rice soup with vegetables) daily.¹¹⁴ Despite common assumptions

¹¹² Roberto Giulianelli, 'La prigionie, discriminante esistenziale e politica. L'esperienza carceraria di Luigi Fabbri e Augusto Giardini 1894-1902', in *Luigi Fabbri: Studi e documenti sull'anarchismo tra Otto e Novecento*, ed. by Roberto Giulianelli (Pisa: BFS, 2005), pp. 11-43 (pp. 37-38). For the regulations on personal hygiene see also RD 01/02/1891, n. 260, art. 242.

¹¹³ Fabbri, a school master, would die in 1935 as an exile in Uruguay. Giulianelli, 'La prigionie, discriminante esistenziale e politica', pp. 12, 24; Luce Fabbri, *Luigi Fabbri: storia d'un uomo libero* (Pisa: BFS, 1996), p. 48.

¹¹⁴ Paolo Valera, 'Diario di un condannato politico nel reclusorio di Finalborgo', *La Educazione Politica*, 1899, p. 14. For the detailed description of prison rations see RD 01/02/1891, n. 260, art. 506, annex 'Tabella A'. Needless to say, according to the law, all food items should be of 'good quality'.

about some 'special food' for patients in the surgery, this was no better than the ordinary ration. Food from the '*bettolino*' was also substandard and may make you feel sick. However, Valera went further, and with uncommon honesty confessed that he had feelings of guilt because, despite everything, he had the privilege to treat himself with meat and other additional items, whereas most of his fellow inmates could barely afford the basics. The inequality and injustice of such a system were evident and made him wonder why his fellow inmates did not turn against him. As an example, on Mondays one could get two 'eggs fried in butter' for 0.22 lire. This corresponded roughly to 66.6% of the daily rent of a 'single room' in Palermo. But in Valera's experience, their quality was terrible nonetheless, and often the eggs were rotten.¹¹⁵ Hence having a stomach ache after meals was no surprise. Complaining about food, however, could be lethal. Indeed, a food riot could lead to endless rounds of punishment under the notorious 'bread-and-water' regime, which in the long run 'would send all of us to the afterlife'.¹¹⁶

This situation had also a psychological impact on prisoners that is not easy to appreciate. Nonetheless, there are some later examples that can serve as useful indicators in this regard. During his time in prison, Antonio Gramsci observed the vulnerability of those destitute who had no support whatsoever, and relied entirely on the 'prison soup'. In one example, a prisoner who had been in gaol for two years had a nervous breakdown because he did not get his 'soup', being so unlucky to happen to be in transit in a police station at lunch time. Prisoners' fragile state of mind would emerge in particular during the main festivities. On Christmas day in 1927, a 'bowl of spaghetti' and some wine were enough to raise the spirits among inmates at San Vittore. Gramsci noted that his fellow inmates ate with 'religious scrupulousness, sopping up with a small piece of bread even the faintest trace of grease that might still cling to the earthenware bowl!'¹¹⁷ By contrast, such 'treats', allowed in Fascist prisons at special occasions, were not permitted in Liberal Italy. Indeed, at Christmas 1898, some inmates at Finalborgo gave one lira each in order to buy some extra items and thus

¹¹⁵ Valera, '*Diario di un condannato politico*', p. 16.

¹¹⁶ *Ibid.*, p. 21.

¹¹⁷ Antonio Gramsci, *Letters from Prison*, ed. by Frank Rosengarten, 2 vols (New York: Columbia University Press, 1994), I, p. 163, letter dated 26 December 1927.

improve a little the meal for all prisoners to share. Parcels with food from home were prohibited and the attitude of the prison governor would remain inflexible nonetheless.¹¹⁸

3 – A Penal Regime for the Poor: Inmates' Health and Social Class

A more detailed analysis of the effects of confinement on inmates' health requires some background knowledge of their health and well-being previous to incarceration. By consequence, this will also illuminate an important aspect of life in penal institutions, namely the socioeconomic background of the prison population. As seen in the previous section, the penal system acknowledged and reinforced the gap that existed between social classes. It validated the principle that it was unfair to punish the better-off and the destitute in the same way. Nonetheless, it was the latter, not the former, who constituted the majority, and they represented a considerable share of Italian society in late nineteenth century. In fact, their social background, and in particular their health conditions, can further a better understanding of the impact that the conditions of confinement had on the overall prison population. Bearing in mind that the penal system aimed at the rehabilitation and moral reform of offenders, the management of the prison population, in particular in relation to health issues, is a crucial element to gauge the potential for success of the prison regime.

Despite the endless debates and disagreements about the effects on inmates of different penal regimes existing in Europe and across the Atlantic, there was one basic element that proved to be recurrent in prison discourse. Prison reformers and members of parliament argued that material conditions in prisons should always be markedly below the average living standards of the general population. This was translated into a single formula: 'less eligibility'. It was aimed at increasing the deterrent power of prison sentences, thus potential offenders would allegedly stop from breaking the law for fear of the hardships life in prison would entail. In general terms, less eligibility meant that living conditions in prison should always be 'less desirable' than the difficulties and fatigue a peasant or workman would normally encounter

¹¹⁸ Valera, 'Diario di un condannato politico', pp. 27-28.

outside gaol. It was therefore to form the core of a prison regime aimed at the lower classes and which tended to value deterrence and discipline. These two elements were expected to work together to make life in prison distinctively unpleasant, and therefore 'less eligible'. This would have a direct impact on the conditions of confinement and on inmates' health and, despite the government's persistent discourse about reform and rehabilitation, penal policy involved issues that conflicted with the goals proclaimed by prison reformers and the central authorities.

Indeed, prison reform was far from being a 'scientific subject' and, despite the growing literature on topics such as criminal anthropology, and the proliferation of prison 'experts', it had more important correlations with social and political questions. In this sense, Liberal Italy had plenty to draw upon in terms of theory and discussions around the question of prison management, and these can help illuminate the political ideas and prejudice that permeated the debate. In Piedmont, a region which had a major impact on penal administration in unified Italy, the influential prison reformer and top official Petitti di Roreto, in writing on how to improve the administration of penal institutions and charity bodies, emphasised that 'misguided philanthropy' should be avoided at all costs. Considering that most of those under arrest were poor, food given to inmates, especially during winter, should be all the more 'frugal', lest people committed minor offences to be arrested and enjoy better meals than they could afford outside gaol.¹¹⁹ Certainly Petitti was not alone in making the assumption about the poor willing to go to gaol in order to eat better, nor was it a specific Piedmontese theory. On various occasions an underlying presumption about peasants and the urban poor as people who were solely driven by the most basic material concerns, and therefore ready to go to gaol in exchange for a 'loaf of bread', emerged from the elites' discourse on prison management. In the southern provinces, Filippo Volpicella, the 'main architect of prison reform' in the Kingdom of Two Sicilies, argued that philanthropic zeal had turned gaols into 'comfortable dwellings' and, instead of scaring off potential offenders, they appealed especially to the poor and unemployed.¹²⁰ Thus from the viewpoint of Petitti di Roreto and Volpicella, the principle of less eligibility had been turned up-side down, and this went against

¹¹⁹ Carlo Ilarione Petitti di Roreto, *Saggio sul buon governo della mendicizia, degli istituti di beneficenza e delle carceri* - 2 (Turin: G. Bocca, 1837), pp. 411-412.

¹²⁰ Simona Fazio, 'The Bourbon Monarchy and Prison Legislation in Sicily: Two Competing Plans for Reform (1826-1830)', *Modern Italy*, 19 (2014), 369-383 (p. 370). Filippo Volpicella, *Delle prigioni e del loro migliore ordinamento* (Naples: Stamperia e cartiera del Fibreno, 1837), pp. 135-136.

deterrence, and in favour of the 'amoral' masses who would not feel ashamed of going to prison as far as living standards inside were better than outside. Though over-simplistic and prejudiced this might seem, such reasoning did permeate public debate, especially in times of social unrest and economic downturn. In particular, it reflected the deep-rooted distrust expressed by the Italian intelligentsia towards the masses throughout the nineteenth century.

Indeed, by the end of the century the Prison Administration was criticised for allegedly having failed in keeping with the principle of less eligibility. This prompted the head of the DGC to defend the policies adopted by the government. Beltrani-Scalia argued that stricken-poverty among offenders could not justify the enforcement of a prison regime that, in order to meet the criteria of less eligibility, would have to go below subsistence levels.¹²¹ Five years later, he would have to defend again the DGC from accusations of 'pampering' inmates. Beltrani-Scalia argued that 'for moral reasons, and for the sake of health, inmates had to have access to facilities to keep their personal hygiene'. And yet from the examples of Palermo, Milan, Ancona, and Macerata, we do know that they did not have access to adequate facilities. Thus it seems that for some sectors of the ruling classes and public opinion, legal punishment should not be limited to loss of liberty, but had to be corroborated by inhumane conditions, even if these seriously jeopardised inmates' health and physical integrity. Moreover, it is worth noting that the harsh regime enjoyed support also outside the most conservative circles. Thus a prominent leader of the left such as Enrico Ferri would argue that Italian prisons were 'warm and cosy', and that inmates were 'overindulged'.¹²² It was a clear sign that despite the recurrent discourse on rehabilitation and 'moral reform', retribution and social vengeance had permeated public opinion, and were deemed to be too important to be undermined by progressive ideas.

On the other hand, Beltrani-Scalia was less than consistent with the proclaimed goals of prison reform in relation to other fundamental aspects of life in prison. In particular, discipline on food, in his view, should be tightened up. As an example, a reduction in rations should be enforced as punishment for those who were unable to hit the targets of production set by the prison administration. Basically, the new measures aimed at forcing inmates to work more

¹²¹ Beltrani-Scalia, *La riforma penitenziaria*, p. 294.

¹²² Enrico Ferri, *Lavoro e celle dei condannati* (Rome: Libreria nuova, 1886), pp. 20-21, 49-50, and passim. A member of the Socialist Party and a staunch positivist, Ferri would become a disciple and close ally of Cesare Lombroso.

and raise production by threatening them with starvation. However it only served to highlight the authoritarianism in the DGC, which thought it fit to punish inmates for its own faults. As discussed in the introduction, prison labour could not be treated as a profit-driven enterprise, and most problems affecting production had little to do with inmates' commitment or diligence. Furthermore, Beltrani-Scalia tried to support his position with the mean argument that by cutting food rations the state would make 'considerable savings'. Besides its questionable validity in economic terms, such an argument may lead to the hasty assumption that in prisons there was overindulgence on food. As seen in the previous section, it completely disregarded the fact that, given their already poor diet, the new policies basically meant forcing upon inmates a regime of starvation. This in turn would have made the gap between the better-off and the disadvantaged even greater and more disturbing. Thus Beltrani-Scalia concluded with the principle that had originated the debate: less eligibility would be 'restored', and deterrence strengthened, thus stopping recidivism.¹²³ It would put an end to the 'easy life' of those whom he described as the '*abbonati delle carceri*', meaning literally people who had been arrested so many times that it seemed they had 'reserved a place' in prison.¹²⁴

There was therefore a significant connection between the social background of inmates, the assumptions of the ruling classes, and the principles that would inspire prison reform. The conditions of confinement and the social background of inmates were closely linked, and the evidence shows that deterrence based on the principle of less eligibility was bound to have a significant impact on projects of reform and rehabilitation. In this regard, a general picture can be drawn from official documents issued by the central authorities, whereas register books of specific penal institutions will give more details on social background and living conditions in prisons.

For this purpose we shall firstly look at the prison population of a specific penal institution for male offenders. The Senigallia Penitentiary, in the Marche region, was a CP, and therefore the majority of its prisoners were convicts who served sentences above six months. The prison itself was situated in the medieval castle of Senigallia, known as *Rocca Roveresca*, which had

¹²³ It is worth noting that the language used by Beltrani-Scalia implied that prison discipline had become 'lax' and that he was going to restore an imagined 'tough regime'.

¹²⁴ Beltrani-Scalia, *Relazione*, p. 154.

been partially converted into a prison since 1631 by the Papal States. Between September 1898 and October 1899 it was housing almost two hundred inmates, with 72.7% coming from the Southern provinces, or else from the main islands. Only 11% came from central Italy, and approximately 16% came from the North. As for their occupation before arrest, 42.4% were either peasants or did work related to the rural economy or in woodlands, such as shepherds, herdsmen and woodcutters. Craftsmen, including shoemakers, carpenters, blacksmiths and tinkers made up about 16% of the prison population. Day-labourers, porters and unskilled urban workers formed roughly 4.5%, people working in the food industry and catering in general constituted approximately 5.5%, whereas 4.5% had jobs in the public transport sector. Half of the inmates were illiterate, the others had some basic education. Only one inmate had been to college, whilst another one had received technical and vocational education (0.5%).¹²⁵ In regard to their socioeconomic status the vast majority (98.5%) were registered as 'propertyless'.¹²⁶ As for the cause of incarceration, murder or violence leading to death amounted to nearly 55% of the convictions, whereas larceny, robbery and embezzlement formed 30.6%. The remainder included 'violence against other persons' (7.5%), fraud (6.5%), rape (5.5%), whereas 'indecent', drunkenness, 'insulting a public officer', libel and slander together formed the smallest group (2.5%).¹²⁷

The above figures show that a substantial proportion of people arrested came from the countryside, with a large majority coming from the South. Whilst suggesting a clear predominance of employment in agriculture, the figures also show that most people had hardly had any access to education, or if so, schools had been less than effective in tackling illiteracy in a consistent way. Therefore the data on both education and occupation, along with socioeconomic status, show that the large majority of prisoners came from a markedly disadvantaged background. As for the reasons for imprisonment, murder amounted to more than half of convictions, whereas larceny and robbery formed almost a third of the cases. However, it is worth noting that this did not reflect the general state of affairs in the penal sphere. In the last decade of the nineteenth century larceny alone – excluding all cases of robbery – formed nearly 25.5% of the offences reported which led to the opening of a criminal

¹²⁵ By comparison, in the same period there were approximately 28% of illiterate inmates in French prisons. Badinter, *La prison républicaine*, p. 207.

¹²⁶ For more details see appendix II.

¹²⁷ The addition of the categories do not correspond to 100% because a same prisoner could have more than one conviction. ASR, *Registri di matricola dei detenuti* (henceforth RMD), b. 238.

trial. The second most frequent offence was 'violence against persons' (17.8%), whereas murder and infanticide amounted to 0.82%.¹²⁸ In this regard, the figures from San Vittore in Milan are closer to the national average, with nearly 25% of arrests between November 1899 and January 1900 related to larceny, robbery and embezzlement.¹²⁹ In fact, for the whole period under consideration, and certainly up to three quarters of the twentieth century, larceny remained the most frequently reported offence in Italian courts. As pointed out by Neppi Modona, this situation, combined with the socioeconomic conditions of the vast majority of prisoners, revealed the class nature of the penal apparatus. Since unification penal legislation had shown a special solicitude to ensure the safeguarding of private property. Moreover, it was noted that the failure by the ruling classes to take into serious consideration the oppressive and unhealthy conditions in prisons was due to the social background of inmates and the kind of offences they committed more frequently. In fact, the inability of the government to tackle the problem effectively showed there was little concern for the consequences of the poor state of prisons, whereas inmates were seen as 'a danger to the bourgeois values of the liberal elites'.¹³⁰

Yet, if we simply concentrate on the figures concerning health conditions, then the more distressing features become apparent. In fact, considering that around 57% of prisoners in Senigallia were in their twenties, excluding all those who were aged above thirty, it is a noteworthy fact that at admittance 67% were recorded as either ill or in poor health. It is not possible here to assess the impact of diseases, such as pellagra, malaria and TB, which were widespread and most common among the poor. Nonetheless, such a discouraging picture was to be reinforced by the events that followed: in fact eighty-six inmates (43.4%) died in prison during the period under consideration, an average of approximately seven inmates per month. In comparison with free society, death rates among young people in prison were thus much higher. Whereas the demise of individuals ranging from fifteen up to twenty-nine years old represented on average only 6.22% among the general population at the time, in prison deaths within the same age group amounted to approximately 55.8%.¹³¹ TB appeared to be the main cause of death, with forty-five cases recorded, thus representing more than half

¹²⁸ ISTAT, p. 68 (tav. 51).

¹²⁹ ASM, Registri di iscrizione dei detenuti, b. 126. Nearly 1130 persons were incarcerated at *San Vittore* in the period under consideration.

¹³⁰ Modona, 'Carcere', pp. 1917-1920.

¹³¹ ASR, b. 238; ISTAT, p. 25 (tav. 19).

(52.3%) the cases, whereas in thirty-one instances (15.6%) no cause was recorded. Comparing these figures with the group of inmates who died in Palermo between January 1899 and June 1900, it is possible to affirm that prisons in Liberal Italy had considerably high death rates, in particular among the young. In Palermo, approximately 43.5% of those who died were less than thirty years old, and 26% were less than twenty years old. This is in stark contrast with the national average in the last decade of the nineteenth century, which registered for males aged between fifteen and nineteen years old, only 1.81% of the total deaths.¹³² Considering such a disproportion, it is indisputable that the conditions of confinement were inhumane and extremely unhealthy, and that comments on allegedly 'cosy prisons' were false and politically motivated. Indeed, the examples above show that prisons in Liberal Italy were more lethal than had been those of the Kingdom of Sardinia half a century before.¹³³ Comparatively, the notorious Auburn-regime Penitentiary in Alessandria had a death rate of 'only' 19%.¹³⁴

In the following two years, up to February 1901, the prison population in Senigallia remained relatively stable, though there were changes of some importance. Peasants and southerners still remained in the majority and, at the same time, there was an increase in other professions, mainly from the catering sector, whereas figures also rose among prisoners from the North. Again the vast majority (98.5%) were registered as 'propertyless', whereas levels of illiteracy and the average age of inmates remained unchanged. Health conditions seemed to have further deteriorated, with the large majority (96%) being registered as 'ill' at admittance. Although there was a slight decrease in mortality rates, deaths from unknown causes went up to almost 46% (thirty-two out of seventy fatalities between November 1899 and February 1901).¹³⁵

As discussed previously in the introduction, the official statistics released by the central authorities are not entirely reliable, and cannot be taken as an accurate picture of the penal system. Yet, there is no evidence whatsoever to suggest that the deaths of inmates recorded in the prison registers did not happen, nor is there any plausible reason to think that the authorities would have made them up. In particular, the registers were filled in by each penal institution, and were primarily used for prison management. These, together with the

¹³² ASP, b. 177, fasc. Dementi, decessi, suicidi 1889-1900; ISTAT, p. 25, tav. 19.

¹³³ For the comparative figures see appendix III.

¹³⁴ Capelli, *La buona compagnia*, p. 271.

¹³⁵ ASR, b. 343.

Palermo figures, are 'raw material'. In other words, they are not data that had been processed and elaborated by the central offices in Rome, but were produced by single penal institutions, thus reducing considerably the risk of errors. Hence they can be taken as an eloquent indicator of the living standards in gaols and of inmates' health conditions.

4 - Death, Suicide, and Derangement: The Official Interpretation of the Statistics

The data on health and mortality are also indicative of the more general conditions in prisons, and among the many deaths from unknown reasons it is likely that suicide and violence have contributed significantly to raise the figures. This is not to say that deaths did not occur in other disciplinary institutions. Between 1886 and 1887, for example, 1776 soldiers died from illness and 57 committed suicide in the army, whilst by 1893 the death rate in the force during peace-time was around 1.1%. Yet, it is still a proportionally very low percentage compared to the prison figures. Moreover, it is worth remembering that unlike convicts and those awaiting trial, soldiers on active service had often to garrison pestilential areas, deprived of any sanitary facilities and malaria-infected.¹³⁶ On the other hand, given the emphasis that was put on the need to rehabilitate prisoners and to move towards a prison system capable of reintegrating inmates into society, it is remarkable that confinement and legal punishment led in so many cases to death. This situation could not but have a significant impact also on a psychological level, and be detrimental to inmates' mental health.

Certainly, this problem was not new in Italy. During the previous decade it was raised in parliament by De Renzis during the discussions for the approval of the budget of the Interior Ministry.¹³⁷ De Renzis pointed out that the number of deaths in prisons was utterly 'out of proportion to the natural average' in free society. In this connection, De Renzis also highlighted that the lack of suitable buildings was a key factor in the deterioration of

¹³⁶ Penal Colonies constituted an exception in this regard, and the present study does not take samples from CPIs. On mortality rates in the army see John Gooch, *Army, State and Society in Italy, 1870-1915* (London: MacMillan, 1989), pp. 63-64.

¹³⁷ Parliamentary session of 5 June 1884. Francesco De Renzis (Capua, 1836 – Auteuil, 1900) a former Bourbon officer, he defected his side to join the Piedmontese army in the 1860 campaign. Of liberal conviction, De Renzis became an MP in 1874 for the Left and later supported the cabinet of Agostino Depretis.

prisoners' living conditions and reiterated his disapproval of the government's penal policy made four years earlier.¹³⁸ In relation to the last decade of the century in particular, a table on cases of death, suicide and derangement among inmates was issued by the Commission for Penal Statistics in July 1905, following new questions raised in parliament. According to this, 9,316 would have died in prison between 1893 and 1902, and nearly 300 committed suicide.¹³⁹ Considering an average of 50,482 inmates per year between 1891 and 1910, approximately 18.45% would die in prison.¹⁴⁰ Of course such figures directly concerned the central authorities and, besides their intrinsic meaning, with an average of more than 900 fatalities per year (or seventy-five per month), they formed enough material for heated debates in parliament. Thus, in the proceedings of the Commission we can find the comments made by the Prison General Governor of the Kingdom, Alessandro Doria, who took special care to give his interpretation and an official version of what had happened in ten years of prison administration.

The words used by Doria were generally dismissive and tended to downplay the seriousness of the situation. In particular, the passage commenting on suicides minimised the problem by declaring that most cases were 'fake'. In his view, inmates would have simulated suicide to draw the attention of magistrates to their legal cases and enjoy, even if only for a few days, better treatment in the prison surgery.¹⁴¹ The comments revealed a contemptuous attitude towards prisoners, and proved the central authorities wanted to depict the crisis as a 'problem of morality'. In other words, there was an attempt to conceal concrete issues regarding mental health and living conditions in prisons with the repeated rhetoric about prisoners' alleged 'amorality'. Besides the failure to consider the causes behind suicide and the dramatic consequences it entailed for those in prison and their relatives, Doria also

¹³⁸ Modona, 'Carcere', p. 1916 (n. 1).

¹³⁹ *Annali di Statistica* (Rome: July 1905), pp. 317, 320.

¹⁴⁰ I have calculated the average prison population between 1891 and 1910, excluding all females and juveniles, and combined the data with the figures given by the Commission; *ISTAT*, p. 71 (tav. 53); *Annali*, p. 320. By comparison, between 1992 and 2011 the death rate in Italian prisons, including all cases of suicide, amounted to 5.69%. See 'Eventi critici negli istituti penitenziari 1992-2012', DAP – Ufficio per lo sviluppo e la gestione del Sistema informativo automatizzato – sezione statistica
<<http://www.ristretti.it/areestudio/disagio/ricerca/>>
<http://www.giustizia.it/giustizia/it/mg_1_14_1.wp?facetNode_1=0_2&facetNode_2=0_2_5&previousPage=mg_1_14&contentId=SST788178> [accessed 18 December 2014].

¹⁴¹ According to circumstances, a prisoner could spend more or less time receiving medical care after a suicide attempt took place. I have merged attempts at suicide and accomplished suicides into one category for statistical purposes. This is because what matters here is one's intention, followed by an actual attempt, to take one's own life. *Annali*, p. 318.

showed a disposition to treat inmates as a mass of professional cheats. Moreover, the discourse of the head of the DGC revealed an attempt to dispossess inmates of their ultimate right: the right of their own lives. As seen previously, in many cases it was actually the only 'property' they were left with. In fact, the report banalised suicide, whilst attempting to degrade inmates' lives to the uttermost by stating that suicide in prison should not be taken seriously, for there were so many 'simulations' that in reality there was no significant difference between the rates of suicide in prison and in free society. The report went as far as to suggest that prisoners would simulate suicide to 'break the boredom' of solitary confinement. The assumption was that even in such extreme cases prisoners should not be trusted because they were ready to cheat whenever an opportunity arose. This notion was further confirmed when commenting on cases of derangement. This had been increasing in the last decade of the century, however, it was also largely dismissed as the result of inmates' 'cunning'.¹⁴² Yet, it apparently never occurred to the members of the Commission to wonder why prisoners would ever do that, and whether the latter were not concerned by the very possibility that a 'fake suicide' might easily become a real one. Even if one assumed that some prisoners might have performed a simulation in the hope of temporarily getting better conditions, this would only be to reinforce the argument that their living conditions were intolerable, and therefore one had to resort to an extreme, though dangerous resolution.

Nonetheless, the views of the central authorities were not free from contradictions and ambiguities and, on closer examination, they reveal the complexities of a prison regime grappling with modern incarceration. As an example, in its first paragraph on suicide, the report stated that the *much higher* rates of suicide in prison compared to free society was a 'very natural' result of incarceration and that it should not be a surprise to observers of 'social phenomena'. Later, it was said that the prison regime greatly 'facilitates a mental breakdown', which was also the direct consequence of the penal process, from the trial 'nightmare' to the 'sudden transfer to the prison environment'. These factors, combined with the mental conditions of the 'feeble-minded' or people who were 'not used to crime and its consequences', led in many cases to different forms of psychiatric disorder.¹⁴³ Therefore, if that was the case, then it was acknowledged that it could not be that all inmates were

¹⁴² *Ibid.*, pp. 318-319.

¹⁴³ *Ibid.*, pp. 317-318.

pretending or 'cheating' when they made an attempt on their own lives, or when they showed clear signs of derangement. Moreover, and despite all the scepticism shown by the central authorities, it should not be forgotten the well-known deleterious effects of isolation on prisoners' mental health. But, considering the official position of the authorities, it seems that the DGC was deliberately oblivious of the lessons taught by the reforms in pre-unitary states and abroad.

Despite its noxious effects, solitary confinement was regarded as a highly effective form of punishment to change offender behaviour, and was applied to both convicts and defendants. This, however, was not to go without important consequences. As a matter of fact, rates of suicide and derangement in prison varied every year, but in general, they were well up on those kept in solitary confinement compared with prisoners in communal regime. In some cases, as in 1896, suicides in the solitary cells were more than fivefold the average rate of suicide in prison.¹⁴⁴ Nonetheless, and despite the evidence of its deleterious effects, Doria openly supported SCC as the best way to 'straighten up' society. In fact, he declared that solitary confinement was the 'ultimate punishment', the 'last bulwark against evil', and that it was suitable to 'moralise' offenders. Accordingly, and despite acknowledging that some penal reformers wanted to reduce its application because of its harmful consequences, Doria expressed his wishes that the use of solitary confinement could be expanded. It was an 'injustice' – in his words – that for lack of cells, so many went without it.¹⁴⁵ Besides the divergent views on the use of SCC, what emerged from the 1904 Commission's report was a situation of great inadequacy inside prisons and conditions that put the lives of prisoners at serious risk. No less important was the response of the prison authorities who, despite the evidence, showed little concern for the overall conditions and brushed off the questions raised in parliament as 'exaggeration and sentimentality'.¹⁴⁶ Once more the government tried to avoid the debate on concrete issues, such as the conditions of confinement, to replicate its misleading rhetoric about 'moral reform'.

Suicide was indeed part of the responses of inmates to the prison system. However, as it appears in the 1904 report, this was depicted as 'no serious issue' since inmates should not

¹⁴⁴ In 1896 there were thirty-three cases of suicide in solitary confinement against six in semi-isolation. *Ibid.*, pp. 317, 319.

¹⁴⁵ *Ibid.*, p. 28. On the use of SCC see appendix II (2), 'Punishment in prison'.

¹⁴⁶ *Ibid.*, p. 316.

be trusted anyway. Mistrust and contempt for prisoners reflected in significant ways the attitudes of the elites, and in particular of the moderate liberals, towards the masses. As discussed in the introduction, political conservatism and social prejudice formed an important part of the identity of the elites of the Risorgimento. In this context, a wide preconception about inmates had been established and, from the perspective of the central authorities, deception seemed to be hidden behind even the most extreme gestures. Despite the proclaimed goals of rehabilitation and reform, the 1891 prison regime turned out to be highly retributive and violent. Health problems were further aggravated by the conditions of confinement and led in many cases to derangement and death. This created an atmosphere of grief, distress and unrelieved anxiety among inmates. Such conditions could not be conducive to rehabilitation or 'moral reform', but to a strong feeling that prisoners had been rejected by society and were helplessly at the mercy of prison officials and chance. This situation certainly had a detrimental impact at a psychological level too, and thwarted a more positive attitude towards a future prospect of rehabilitation.

In this context, the government proved its inability, or unwillingness, to deal with the real causes of the problem. Instead it preferred to justify the conditions in prisons with a deceptive discourse on austerity and national morality. Indeed, as suggested by the Interior Ministry's spokesman, inmates could be left to go insane and perish in prison as their share in the 'national sacrifice'. The ambiguous message conveyed by the government was taken up later by Turati who voiced it in unmistakable terms in parliament. In fact, and not without some irony, in 1904 Turati highlighted precisely the key point of the Zanardelli Penal Code which concerned the whole national community and had divided jurists for two decades: 'Yes, the death penalty had been officially abolished, but it had surreptitiously come into force again through a prison system that quietly killed its inmates.' It was indeed the case that a significant number of people went insane and died in the state prisons because of the conditions of confinement. Many would contract TB and other diseases in overcrowded cells and die afterwards.¹⁴⁷

¹⁴⁷ Furthermore, it is worth remembering that families would not be able to see their relatives who died in prison. According to the GPR (art. 120, 407), deceased prisoners were either given to schools of medicine or buried in unmarked graves. This practice was denounced by the lawyer Giovanni Rosadi who argued that autopsies should be made compulsory by law, especially after a suspicious death. See an example in Florence in Giovanni Rosadi, *Tra la perduta gente* (Florence: 1908), p. 383.

Such conditions were in stark contrast to the Foucauldian view of the modern 'prison-machine' churning out docile bodies for the growing capitalist industry. If anything, Italian prisons were producing a considerable number of dead bodies for the schools of medicine, or for Lombroso's gruesome collections. Indeed, and considering the ambiguous discourse on 'sacrifice', the moderate liberals' penal practices were more reminiscent of Durkheim's view of punishment as primarily concerned with satisfying irrational beliefs and a desire for social vengeance.¹⁴⁸

Moreover, the penal system discriminated against the most disadvantaged, who had no financial means to mitigate their conditions. The unfairness and paradoxes of the system were too manifest to pass unobserved, and put the often proclaimed goals of 'moral reform' and rehabilitation into serious question. Indeed, the ideal of reform and rehabilitation in such circumstances was bound to lose its force and become an empty rhetorical statement, which would lend itself to ambiguous interpretations and even sarcasm.

The next chapter will discuss how the prison regulations and the DGC failed to minimise such conditions. On one hand, the regulations were mainly the work of the experienced prison official Martino Beltrani-Scalia, head of the DGC. They were, nonetheless, also a product of the penal reforms which preceded the issuing of the regulations. Hence the GPR will be analysed in connection with the Penal Code of 1889. The intrinsic contradictions of the new legislation would be mirrored in the prison regulations, which were ultimately aimed at changing offender behaviour. The GPR was a core part of the penal regime, and in its attempt to change the character and behaviour of inmates would eventually reveal the paradox and shortcomings of a prison system grappling with the problems of modernisation. In chapter three we shall see how inmates responded to such a system.

¹⁴⁸ Émile Durkheim, *The Division of Labour in Society* (Basingstoke: Macmillan, 1984), pp. 44-48, 52.

Chapter Two – The Quest for Modernity: Beltrani-Scalia and the Reform Project

*'The first duty of a national government is to provide education and to reform criminals. Every sentence that does not aim at reform is a political mistake.'*¹⁴⁹

As discussed in the introduction, economic development, political reform, and penal policy were interwoven elements of the problematic process of Liberal Italy's modernisation. This was particularly true in the last quarter of the nineteenth century, when the international economic crisis and the pressures of power politics forced the ruling classes to deal with the social and political problems left in the wake of national unification. A successful process of nation building asked for a coherent political project, and this could not be achieved without addressing the conflicting demands for democratic reforms and the old anxieties of the moderate liberals in relation to the popular classes. Such a conflict was epitomised in the Tre Fontane example and the use of prisoners' labour in the land reclamation. In this context, the new penal code encapsulated many of the contradictions and tensions in contemporary Italian society. As will be discussed in the present chapter this involved the coexistence of antithetical principles such as humanitarianism and social vengeance, deterrence and rehabilitation, together with a strong concern with the protection of private property. The debates among the classical and the positivist schools were revealing of the ideology and political rationale that inspired the reforms. In the prison sector in particular, we shall devote special attention to the head of the Prisons Directorate General, Martino Beltrani-Scalia. A complex and contradictory figure, his background and political experience will help us get a better understanding of the penal project of the moderate liberals and the reasons why prison discipline fitted their view of a modern Italy. Finally, the state bureaucracy will be examined with the functioning of the prison system in order to clarify how far it was capable of carrying

¹⁴⁹ Francesco Crispi, in Giustino De Sanctis, *Studi ed osservazioni d'un Direttore Carcerario* (Rome: Tip. delle Mantellate, 1890), p. 13.

out specific penal policies, and in agreement with a particular idea of punishment. In connection with the extensive use of incarceration in the 1890s the state apparatus had to face multiple challenges, and top officials, together with prison governors, had to find their own ways to deal with mass incarceration under the new prison regime.

Despite the conditions of confinement, and the impact these had on inmates' health and sanity, moral reform and rehabilitation remained nonetheless a key objective of penal reformers. Thus the General Prison Regulations, issued in 1891, sought to bring about this ideal through prison discipline. To a great extent the GPR were the result of the experience and ideas of Beltrani-Scalia, head of the DGC. But the Regulations did not exist outside a context. In fact, they reflected the ideas surrounding a wider movement for penal reform and, in particular, the dispute between the two most prominent schools of penal thought: the classical and the positivist. After twenty years of heated debates Italian jurists were finally able to give the nation a unified penal legislation. We shall focus first on the new penal code in order to gain a better understanding of the social and political principles that buttressed penal reform and, subsequently, on how this influenced the prison system.

1 – The New Penal Code (1889)

Undoubtedly the new Penal Code was an example of modern penal legislation and, in some respects, was more advanced than those of other European nations such as Britain, Germany or France.¹⁵⁰ It dropped old tenets based on pure retribution and the use of sheer force. In particular, it did away with traditional forms of punishment such as exile, ban, expropriation, and all penalties inflicted on the convict's body. It abolished hard labour and, most remarkably, the death penalty. Even in cases of crimes committed against the state it maintained that life should be preserved nonetheless. Before national unification in 1861, the abolition of capital punishment had already been attained in Tuscany (1786). Its extension to

¹⁵⁰ Carlo Ghisalberti, *La codificazione del diritto in Italia 1865-1942* (Bari: Laterza, 1985), p. 174; see also Floriana Colao, 'Il diritto penale politico nel codice Zanardelli', in *Diritto penale dell'Ottocento: I codici preunitari e il codice Zanardelli*, ed. by Sergio Vinciguerra, (Padova: CEDAM, 1993), pp. 652-672 (p. 665, n. 33).

the whole of the peninsula though, was no small achievement. By comparison, Britain would continue to exercise capital punishment for a variety of offences, including murder and treason. British law would not spare women and children, and the execution of individuals under sixteen years of age would be terminated only in 1908.¹⁵¹ Germany also inflicted the death penalty for murder and high treason, in accordance with penal legislation issued after national unification in 1870. In particular, during the 1880s and 1890s capital punishment was reinstated on a firm basis and executions were carried out in prison yards with a hand-held axe. There the death penalty would survive the drastic changes of political regimes and abolition would come only after the Second World War.¹⁵² Though in possession of more democratic credentials than its militaristic neighbour, France also kept sending convicts to Devil's Island and executing offenders well into the second post-world war era.¹⁵³ In many respects it is true therefore that the Italian code was perhaps the 'only penal code to restore that sense of moderation that had been forcefully expressed by Cesare Beccaria'.¹⁵⁴ In fact, it introduced more humanitarian principles and banned the use of physical violence and bloodshed.

The new code, which is often referred to as *Codice Zanardelli*, after Giuseppe Zanardelli, the left-wing Minister of Justice in office at that time, came into force on 1 January 1890 and brought several progressive innovations into the penal sphere. But of course this was not the work of a single man, and despite being named after the socialist minister, it was actually the outcome of a lengthy and laborious process. Indeed, it involved the work of a whole generation of jurists and law experts who, in a collective enterprise, endeavoured to find a coherent synthesis between different legal traditions. The fusion of distinct juridical elements from southern, central and northern Italy constituted therefore the backbone of the new

¹⁵¹ In Britain capital punishment for murder would be abolished in 1969, and pregnant women could still be executed as late as 1931, when it was prohibited. Brian P. Block and John Hostettler, *Hanging in the Balance: A History of the Abolition of Capital Punishment in Britain* (Winchester: Waterside Press, 1997), pp. 270-271.

¹⁵² Richard J. Evans, *Rituals of Retribution: Capital Punishment in Germany 1600-1987* (Oxford: Oxford University Press, 1996), pp. 430, 442-443. It was eventually abolished in 1949. Robert Badinter, 'Moving towards universal abolition of the death penalty', in *The Death Penalty Beyond Abolition*, ed. by Roger Hood and Robert Badinter (Strasbourg: Council of Europe Publishing, 2004), pp. 7-11 (p. 7).

¹⁵³ Hamida Djandoubi was the last person to be guillotined in France (10 September 1977). Abolition of the death penalty came in September 1981 when it was approved by both chambers following the election of François Mitterrand. Anne Ferrazzini and Michel Forst, 'Abolition in France', in *The Death Penalty Beyond Abolition*, pp. 191-198 (pp. 195-196).

¹⁵⁴ Moccia, 'Ideologie e diritto nel sistema sanzionatorio del codice Zanardelli', p. 567. Beccaria first advocated the abolition of capital punishment in 1764. See Beccaria, *On Crimes and Punishments*, chapter 28: The death penalty.

code. This combination was not, however, free from contradictions. Many complications originated from the discrepancies that existed, in particular between legislation in Tuscany and Piedmont, with the former staunchly opposing the reintroduction of capital punishment. Indeed, the question of the death penalty turned out to be much more than a juridical quibble, or an example of stubborn Italian regionalism, since the legal right of the state to kill its citizens carries important political consequences. Its repudiation, as pioneered by the Grand Duchy of Tuscany, represented a serious curtailment of the monarch's prerogatives, and a significant step forward towards democracy.

As mentioned above, none of the great powers in Western Europe would abolish the death penalty any time soon. In this sense, the final victory of Tuscan legal tradition heralded a brighter future for those who hoped for a democratic evolution of the state. On the other hand, it was claimed that abolition was dependent on the conditions of the prison apparatus. Appointed by royal decree on 12 January 1866, a commission on penal reform argued that, given the importance attributed to the death penalty as a deterrent, it would be safe to abolish it only if the prison system was reformed. In particular, it was pointed out that there were too many jailbreaks, and fear of punishment among the population had 'dwindled to nothing'. The argument, put forward by Commendator Conforti, would have also drawn the approval of steadfast abolitionists such as Francesco Carrara.¹⁵⁵ Thus prison reform, though overlooked in many ways by legal historians, was as important as the broader movement for penal reform and the abolition of the death penalty. Moreover, the legacy of different legal systems posed innumerable challenges to the reorganisation of the penal apparatus. As seen previously, Tuscany and Piedmont had adopted very different penal regimes, and this did not allow for a rapid and smooth adjustment after unification.¹⁵⁶ The reform of the penal code, however, became the centre of attention by far of contemporary jurists and public opinion, and later, of historians.

It has been argued by legal historians that the *Codice Zanardelli* was characterised by marked contradictions and a 'bold eclecticism', and that these were due mainly to the authority and

¹⁵⁵ Beltrani-Scalia, *La riforma penitenziaria*, p. 23.

¹⁵⁶ Enrico Pessina, 'Il diritto penale in Italia da Cesare Beccaria sino alla promulgazione del codice penale vigente 1764-1890', in *Enciclopedia del diritto penale italiano 2*, ed. by Enrico Pessina (Milan: Società editrice libraria, 1906), pp. 541-768 (pp. 704, 737); Capelli, *La buona compagnia*, pp. 211, 329.

influence of Francesco Carrara.¹⁵⁷ Indeed, Carrara was a major figure among Italian jurists from the classical school and played an important role in the process of legislative unification. The new code produced the amalgamation of Enlightenment and liberal principles, with correctionalism and some early contributions of the positivist school of criminology. Moreover, being the result of a collective enterprise it reflected the wealth of legal culture that existed in Italy at that time. It would be a pointless exercise, though, to list all the names of the members of the parliamentary commissions who worked on the project. Nonetheless, it is worth remembering some of the most important among them. These included renowned jurists such as Carrara and Luigi Lucchini, both staunch supporters of the abolition of capital punishment, Gian Paolo Tolomei, Paolo Onorato Vigliani, Pasquale Stanislao Mancini and the aforementioned Giuseppe Zanardelli. But to understand the contradictions and ‘eclecticism’ of the code we need first to put Carrara’s stated influence into its proper context.

A moderate liberal from Tuscany and illustrious jurist of the classical school, Carrara had a poor opinion of Piedmontese laws and French legal tradition, and frowned upon the haste to extend the laws of the former Kingdom of Sardinia to the rest of the peninsula. In keeping with classical legal culture and the principles inherited from the Enlightenment, Carrara was against the notion that punishment should aim to correct one’s character or behaviour. This problem, in his view, belonged to the sphere of ‘social economy’ or, more appropriately, political economy. In other words, it was up to political leaders to conceive and develop suitable policies for the ‘good government’ of people, the country and its economy. Penal justice, on the other hand, should concern itself with the universal principles of natural law and the legal protection of society. In strict terms, crime was a juridical entity, thus an offence could only be conceived as an objective instance of lawbreaking, and not as a subjective problem related to an individual offender. The latter’s social background, hereditary features, or psychological conditions were of marginal importance. So the ‘criminal’ did not take centre stage in the debates on penal reform among classical jurists, as would be the case with the new generation of positivists. The ultimate goal of punishment was not therefore the offender’s reform (good though it might be, this was a secondary matter), but the legal protection of society. Thus the main function of penal law was to preserve the social balance by redressing a wrong with retribution. This should be based on a clearly defined set of rules

¹⁵⁷ Moccia, ‘Ideologie e diritto’, p. 567.

and penalties, and supported by a penal system that made everyone certain that punishment was inevitable, swift, and proportional to the wrong done. Thus no space was to be left to the positivist school and its claim that punishment should be constantly adjusted to one's varying levels of 'dangerousness'. Moreover, arbitrariness and 'spectacles' of violence in public squares (e.g. public executions) were to be banned. There should be a clear break with the past. There should be neither bloodshed, nor a display of unnecessary force. Finally, justice should be certain and efficient, but without a special concern for the individual's potential reform.

As a magistrate, MP, and professor of law, Carrara expressed his views on Italian society and politics through his teachings and juridical thinking. In his book *Reminiscenze di cattedra e foro* (1883) he asserted his political beliefs in the most forceful manner: 'Liberty is the core and backbone of the Risorgimento, and Italy cannot consolidate as a nation if it fails to cultivate it'.¹⁵⁸ Thus liberalism, as opposed to absolutism and arbitrary rule, should be defended as the guardian of all civil liberties that had been restored with independence: protection of persons and private property, inviolability of domicile, independence of the magistracy (the 'sole arbiter of the rights of the citizens'), due legal action. Carrara's preoccupation with the protection of individual rights and freedoms reflected his commitment to fight against the resurgence of illiberal and authoritarian ambitions of past and contemporary regimes. Thus in 1869, in a context marked by political instability and violence, Carrara admonished that the liberal state was faring badly and that much was still to be done to curb authoritarianism and foster civil liberties.¹⁵⁹ However, while alerting the nation to the illiberal sway in Italian political life, Carrara and the classical school represented nonetheless the conservatism of a social and political class that feared modernisation and social change as a threat to their own power and interests. Champions of moderate liberalism and allied with the monarchy, in parliament they constituted the first group in power and became known as the Historical Right.¹⁶⁰ In general they shared a wealthy socioeconomic background, and included the sons of the nobility (such as Massimo D'Azeglio), big landowners (Marco Minghetti), the military (Alfonso La Marmora), and industrialists

¹⁵⁸ *Dizionario biografico degli italiani*, XX (1977), 668.

¹⁵⁹ *Ibid.*, 669.

¹⁶⁰ This term, as well as the Historical Left, are used to distinguish from the modern parties of left and right which came about with the advent of mass politics in the twentieth century. Henceforth Historical Right and Left will be referred simply as 'right' and 'left'.

(Quintino Sella). Being mostly from the centre-north regions (especially Piedmont, Emilia and Tuscany), they often showed a high-minded attitude in politics and public administration.¹⁶¹ The classical school, which emphasised free will and attributed full responsibility to the individual offender, was the juridical expression of their political and economic interests. Stealing food for example, should be punished according to a specific article in the criminal code and without consideration for the social circumstances (hunger and chronic unemployment) that may have led to it. Classical penal law seemed therefore rather detached from the social realities and the changing economic conditions that especially affected the masses. It focused on the notion of free will, whereby anyone was responsible, in moral as well as legal terms, for choosing between right and wrong.

In this context, classical jurists, together with their social peers, feared the loss of control over a social edifice in transformation, and this was undoubtedly to accompany unification and economic development. In their view, social peace and political stability should be maintained in the paternalistic framework embodied by a typical model of pre-industrial rural society. This was based on a well-defined social hierarchy, religious observance, and deference to authority. Given the nickname of 'Iron Baron', Bettino Ricasoli, prime minister after Cavour and mayor of Florence, is perhaps the most obvious example of such an attitude. In his view, 'liberty should be imposed from above' (not gained through political engagement), and progress, both moral and material, would come top-bottom, through the enlightened actions of the leaders of the Risorgimento.¹⁶² Moreover, Ricasoli held that political power and stability went hand in hand with a strategic alliance between state and church, in which the latter should be reinvigorated and carry out the religious education of the peasantry.¹⁶³ Thus the 'proverbial thriftiness' of the peasantry and their piety would secure social and economic stability, whereas the 'fathers of the Risorgimento', with their high education, exemplary

¹⁶¹ The bibliography on the political elites of Liberal Italy is extensive. For an overview of its political history up to the beginnings of the twentieth century see Fulvio Cammarano, *Liberalismo e democrazia: il contesto europeo e il bivio italiano 1876-80* (Milan: Feltrinelli, 2005); *Ibid.*, *Storia politica dell'Italia liberale: l'età del liberalismo classico 1861-1901* (Rome: Laterza, 1999); Raffaele Romanelli, *L'Italia liberale: 1861-1900* (Bologna: Il mulino, 1997); *Ibid.*, *Il comando impossibile: Stato e società nell'Italia liberale* (Bologna: Il mulino, 1995); Massimo L. Salvadori, *Liberalismo italiano: i dilemmi della libertà* (Rome: Donzelli, 2011); John A. Davis, *Italy in the Nineteenth Century 1796-1900* (Oxford: Oxford University Press, 2000); Christopher Duggan, *The Force of Destiny: a History of Italy since 1796* (London: Penguin, 2007).

¹⁶² Denis Mack Smith, *Modern Italy: A Political History* (New Haven: Yale University Press, 1997), p. 179; Lucy Riall, *The Italian Risorgimento: State, society and national unification* (London: Routledge, 1994), p. 34.

¹⁶³ Ernesto Ragionieri, 'La storia politica e sociale', in *Storia d'Italia 4: Dall'Unità a oggi*, ed. by Ruggiero Romano and Corrado Vivanti (Turin: Einaudi, 1976), pp. 1706-1707.

morality, and wealth, would secure political guidance and steer the nation towards the safe waters of 'modernisation without revolution'. Carrara, himself the only child of a wealthy family from Lucca, espoused the Tuscan conservative model of society, and liked to show off his paternalistic attitude towards peasants and the poor. Rather ironically, this meant in practice the undermining of the individual liberties he would defend from his university chair.¹⁶⁴

The political and social structure envisaged by the conservatives and the jurists of the classical school, however, could not survive the upheavals and growing social unrest that characterised the last quarter of the century. Nor would the right stay in power for too long. In fact, its socioeconomic and political model was not sustainable in the long run. This was for two main reasons: first, Italy would soon have to face a social and economic crisis in connection with the pressures of fierce commercial competition on the international stage. In the 1870s free trade and the increasing competition from the Americas and Australia helped to bring down agricultural prices throughout Europe. Italian agriculture proved particularly vulnerable, and small farms, from Sicily to the Alpine valleys, suffered severe economic hardship. From around 1880 up to the beginning of the twentieth century, peasants and labourers had to face a period noticeably marked by worsening living conditions. The ultimate end of collective use-rights, plus rising unemployment, protectionism, and new agricultural policies had a severe impact on the lives of millions of people, hitting peasants and the urban poor particularly hard.¹⁶⁵ Without the buffer of a social welfare system, this led to the rapid erosion of the social edifice based on hierarchy and deference. By the mid-1880s landowners had to face the first mass strikes in the countryside, culminating in the bloodshed that involved popular movements such as the *Fasci Siciliani* in 1892-93 and the Milanese protests in 1898. Second, the moderate liberals were not ready to give up their paternalistic ruling model and promote reforms for the democratisation of political life. Yet, this was a basic requirement since the modernisation of the economy could not be carried out without social and political reforms. Migration to industrial areas, capitalist development in agriculture, and urbanisation were changing the nation's social-economic structure, whereas the persistent narrowness of the

¹⁶⁴ Fassone, *La pena detentiva in Italia*, pp. 21-22; *Dizionario biografico degli italiani*, XX (1977), 665.

¹⁶⁵ Alberto Capatti, Alberto De Bernardi and Angelo Varni, *Storia d'Italia 13: L'alimentazione* (Turin: Einaudi, 1998), p. xlix; John A. Davis, *Conflict and Control: Law and Order in Nineteenth-Century Italy* (Basingstoke: Macmillan, 1988), p. 203; Tommaso Detti and Giovanni Gozzini, *L'Ottocento* (Milan: Mondadori, 2000), pp. 218-220.

electorate pushed a growing labour movement towards radicalism. Moreover, the need to promote economic development required state intervention in areas such as infrastructure (railways, ports, public works), education (fighting illiteracy), housing and sanitation. This required massive investment, central planning and the reorganisation of agriculture which was incompatible with the economy of subsistence and the social conservatism of the paternalistic model. It is no surprise then that the leaders of the right feared urbanisation and industrialisation as the prelude to wide-ranging reforms which would eventually undermine their social and political control over peasants and manual labourers. Thus the model of economic development which had been defended so far was linked to a particular vision of social and political organisation. In this context, it is significant that in 1874, during the years of intense debate about whether the state should stay out of social and economic questions and remain faithful to classical liberalism, Carrara joined the Adam Smith Society in Florence, in open support of state non-intervention.

This does not mean, however, that the right was a cohesive group and always coherent with its fundamental beliefs. In fact, after the seizure of Rome and virtually the accomplishment of the major objectives of national unification, it lost its cohesiveness and started crumbling until its disintegration in 1876. In that same year, the first cabinet of the left, led by Agostino Depretis, initiated social and economic reforms aimed at modernising the country. It opted for state intervention in the social and economic spheres in face of the changing circumstances both at the national and international level. Protectionist laws were aimed at shielding the Italian industry from growing international competition and promoting industrial development. In the social sphere, the government sought to address some of the most burning issues that afflicted the nation. Thus schooling (Coppino Law, 1877), public works (land reclamation, 1878), tax reforms (abolition of the notorious 'grist tax', 1880), and public health (1882), aimed at alleviating the conditions of the most disadvantaged, whilst laying the foundations for a much delayed social reform. In fact, the destitution that afflicted the masses emerged between the 1870s and 80s in dramatic terms. The enquiries carried out by intellectuals and public figures such as Pasquale Villari, Giustino Fortunato, and Leopoldo Franchetti, revealed the extent of socioeconomic problems that cried out for urgent

reforms.¹⁶⁶ They focused on topics such as agriculture, industry, and public administration. The social questions included housing, education, and public health. The latter showed up in particularly unfavourable light, demonstrating that state intervention was needed to prevent the spread of diseases such as pellagra (North), malaria (South), tuberculosis (urban areas), and recurrent outbreaks of cholera. Moreover, rates of infant mortality largely exceeded those of Britain (140%) and France (120%) in the period ranging from 1876 to 1890.¹⁶⁷

The political elites could not ignore these issues any longer, and had to deal with the modernisation of the country and the transformation of society. This also involved the drafting of new penal legislation. Within this context, it can hardly be argued that the 'bold eclecticism' of the new code was due solely to the particular preferences of jurists of the classical school, prestigious and influential though they might have been. In fact, the combination of distinct juridical traditions and contradictory principles reflected the period of transition and instability that characterised Italian history in the late nineteenth century. Not only did the state have to deal with its inability to overcome the conservative compromise of the Risorgimento, but it also had to face growing social unrest and the pressures from extra-parliamentary forces to democratise political life. Social unrest was aggravated by the international economic crisis and the intrinsic limitations of the reforms. Despite the allures of colonial expansion and authoritarian rule, which gained the upper hand after the signing of the Triple Alliance in 1882, crown and parliament could not dismiss the dangers of growing internal political antagonism. Soon this would take the most radical form, with King Umberto I facing an assassination attempt in his very first year in power. Jurists and magistrates, as members of the educated elites, had to grapple with the changing conditions and develop legal instruments to respond to such pressures. Thus the *Codice Zanardelli*, as a fundamental part of the reforms, encapsulated the tensions and contradictions that pervaded Italian society at that time. Its framework was skilfully constructed in order to accommodate advanced humanitarian principles with an intrinsic flexibility. More especially, this would make the code into an elastic tool for the repression of internal political opposition.¹⁶⁸

¹⁶⁶ Pasquale Villari (Naples 1826 – Florence 1917), Giustino Fortunato (Rione in Vulture 1848 – Naples 1932), Leopoldo Franchetti (Florence 1847 – Rome 1917).

¹⁶⁷ Giovanna Vicarelli, *Alle radici della politica sanitaria in Italia: società e salute da Crispi al fascismo* (Bologna: Il mulino, 1997), p. 62.

¹⁶⁸ Colao 'Il diritto penale politico', p. 657.

Along with the growing social unrest and political antagonism, the controversy surrounding penal law was fuelled by the clash between the classical and the positivist schools. The latter was closer to socialist instances of reform and, in some respects, represented the most advanced currents of penal thought within the educated bourgeoisie. However, its internal fragmentation and many inconsistencies undermined it in many ways, and denied it a major role in shaping penal reform. Moreover, in the face of the unstinting economic crisis of the last quarter of the century, positivism lost its ascendancy as the 'scientific response' to human predicaments. Thus, despite the impact of a public figure such as Cesare Lombroso, and the influence of positivism and socialism, the new code remained for the most part a product of the classical school.¹⁶⁹ Indeed, and despite the modern features discussed previously, the penal code was deemed to be out-dated shortly after its publication. Given its over-concern with the protection of private property it was labelled both by contemporaries and in recent historiography, as 'the penal code of the landowners'.¹⁷⁰ The class struggle and political antagonism that beset Italian society at the end of the century had left its unmistakable imprint on penal legislation. As for the impact of the positivists, we shall return to it later. In particular, we shall reconsider Lombroso and his school of criminal anthropology since his contribution to the understanding of the penal system can be properly appreciated only if we go beyond his racist theories and flawed science.

Besides the abolition of the death penalty and corporal punishment, the Penal Code welcomed correctionalism and the idea of social rehabilitation. Article 16, for example, introduced parole for good behaviour, whereas article 17 would cancel out police surveillance if a convict on parole committed no further offences.¹⁷¹ For some offences, however, such benefits were not recognised. This particularly concerned recidivism in larceny, or belonging to 'criminal organisations' (art. 16). The latter, however, was a broad category with no clear definition. As a demonstration of the aforementioned 'flexibility' of the code, in times of social unrest and political protest in particular, article 16 was typically used to target anarchists,

¹⁶⁹ Fassone, *La pena detentiva in Italia*, p. 32.

¹⁷⁰ Francesco Saverio Arabia, *I principi del diritto penale applicati al codice italiano* (Naples: Tip. della R. Università, 1891); Sbriccoli, *Dissenso politico e diritto penale in Italia tra Otto e Novecento*, p. 636; Colao, 'Il diritto penale politico', pp. 671-672.

¹⁷¹ Police surveillance was often added to prison sentences, whereby after release a former inmate would have to observe specific rules of behaviour for a specific length of time (this could last from a few months to several years). Breaking these rules would lead to police arrest.

socialists, and republicans for an alleged 'affiliation with organised crime'. It was therefore a political weapon for locking up members of radical opposition groups. Article 21 introduced house arrest, but its application was too limited in scope, since it concerned only female and juvenile first-time offenders with sentences of up to one month. On the other hand, and reflecting the more progressive currents within government, the new code revealed a humanitarian trend that became apparent also in official discourse. In his addendum to the crown and parliament, Zanardelli went as far as to announce that penal legislation should be humane, and, in particular, it should be inspired by principles of respect of prisoners' human rights. Thus punishment, in his words, should not bear 'the odious character of pure vengeance', and sentences should be rid of the 'useless harshness which caused only exasperation in prisoners and turned them against law and society'.¹⁷² Moreover, as an attempt to bridge the gap that existed between criminal law and the prison apparatus, it was said prisons should be suitably equipped in order to reflect in practice the progressive spirit of the reform.¹⁷³ Whether Zanardelli's warnings would be listened to we shall see in the next section on prison regulations and in the chapter on the reactions to the prison regime.

2 – A route to modernity? Beltrani-Scalia and the idea of 'moral reform'

The debate on penal reform in Italy focused chiefly on penal legislation, whereas less attention was given to the main instrument of punishment: the prison apparatus. In fact, during the debates on the reform bill many failed to take into account the fact that prisons were not adequately equipped to fulfil the functions and objectives set by the new penal code.¹⁷⁴ Besides the works of Beltrani-Scalia, there was almost no updated research available on the post-unification prison system to inform government and public opinion. In particular, there was no clear indication of *how* to achieve the goals of reform and rehabilitation. Thus, as the Zanardelli Code blended Enlightenment principles with correctionalism, the

¹⁷² Moccia, 'Ideologie e diritto', p. 570.

¹⁷³ Mario Sbriccoli, 'La penalistica civile. Teorie e ideologie del diritto penale nell'Italia unita', in *Stato e cultura giuridica*, pp. 147-232 (p. 192).

¹⁷⁴ *Ibid.*, p. 170.

practicalities of penal correction and the management of prisons were left to the 'experts', namely the top officials of the DGC. In this context, Beltrani-Scalia assumed a leading role and engaged in an extensive overhaul of prison regulations.

Later in the twentieth century, and in a political climate that shared little in common with the principles of social and political revolution that marked the century of the Risorgimento, Beltrani-Scalia would be remembered by the Fascist regime as a 'distinguished reformer'. This was not a mere rhetorical compliment paid by the regime to the memory of a long-term and faithful servant of the state. The fact that Beltrani-Scalia's project of reform was for the most part preserved demonstrates that Fascist Italy (when it had already turned into a fully-fledged dictatorship) shared the basic principles on prison management set during the liberal period. In the view of the fascists his work was outstanding. Of course it could be updated, but there was no need to alter the fundamentals laid down in it. In other words, there was no need for radical change.¹⁷⁵ Therefore, the regime expressed its approval and general agreement with the principles that inspired the reform of 1891, and the slight changes that followed gave it an ultimate endorsement. Indeed, Beltrani-Scalia was celebrated, together with Alessandro Doria (his later successor at the DGC), as the author of a 'masterpiece' of prison discipline.¹⁷⁶ We shall now look at the chief author of the prison regulations in order to understand why the Fascist regime would unreservedly praise the work of a former revolutionary and socialist-inspired state bureaucrat of Liberal Italy.

Martino Beltrani-Scalia was born in Palermo in 1828, into a family of political activists originally from Trapani. His grandfather was a member of the Carbonari secret society and, following the defeat of the revolution in 1820 and the persecutions of the Bourbon police, committed suicide. His father, Vito Beltrani, was an anti-Bourbon lawyer closely associated with patriots such as Cesare Correnti and Massimo d'Azeglio, and took part in the unification process. As did Beltrani-Scalia who, in Italy, played an active role both in the revolutions of 1848 and 1860. The Beltrani family therefore had a background of anti-conformism and liberal ideals which put them right at the core of the political upheavals of the Risorgimento.¹⁷⁷

¹⁷⁵ ACS, Ministero di Grazia e Giustizia, Dip.to Amministrazione penitenziaria, Fondo Studi per la riforma penitenziaria 1891-1930, b.1, 'Progetti di regolamento 1929-1930'.

¹⁷⁶ *Ibid.*, p. 1.

¹⁷⁷ Martino Beltrani-Scalia, *Memorie storiche della Rivoluzione di Sicilia 1848-1849* (Palermo: Scuola tip. Boccone del povero, 1932), pp. ix, x-xi; *Dizionario biografico degli italiani*, VIII (1966), 79-80.

Following defeat in 1848, Beltrani-Scalia, then twenty years old, was forced into exile, seeking refuge in Malta, England and France. In Paris he kept in touch with fellow Sicilian exiles and acquainted himself with a circle of Socialists. In particular, he befriended men of the left such as Louis Blanc and Pierre-Joseph Proudhon. The latter, especially, would play a crucial role in his political formation.¹⁷⁸ In line with his ideals, he actively took part in the revolts of December 1851 against Louis-Napoleon's coup. Once more defeat followed and he was deported from France. Despite successive failures and hardship his political commitment continued unabated. Back in Sicily he faced new persecution from the Bourbon regime and, in the turmoil following Garibaldi's expedition, was arrested and locked up at the *Vicaria*. However, under closer scrutiny, Beltrani-Scalia's vicissitudes are more revealing than what might seem initially the mere misfortunes of an ordinary young revolutionary.

In fact, as a political exile, a 'fervent disciple' of Proudhon, and an 'apostle of Mazzini's gospel', Beltrani-Scalia's story can give us an insight into the struggles of young activists and the political ambiguities that emerged during the Risorgimento. His life experience would have a direct impact on his political beliefs and work as a prison inspector. To begin with, his arrest in 1860 was not the result of blind persecution. As seen above, Beltrani-Scalia came from a family which was well-known to the Bourbon regime for its liberalism and democratic beliefs. Indeed, the Bourbon police had him on file as a 'dangerous element and supporter of ultra-liberal ideas' and, as such, he would not have been considered for a royal pardon, had Francesco II's regime survived Garibaldi's invasion. Moreover, Beltrani-Scalia gave unmistakable proof of his resolve to overthrow the regime and became directly involved in the conspiracy to assassinate the police chief-inspector Salvatore Maniscalco.¹⁷⁹ This only corroborated the Bourbon's assessment of his political profile. Yet, the collapse of the regime, and the creation of the liberal state would reveal that the democratic principles so far upheld by Beltrani-Scalia were not as sound as the Bourbon police believed. Following unification his fate changed, and Beltrani-Scalia quickly entered the new state bureaucracy and started to climb up its hierarchy. After serving at the Finances Ministry in 1862, he entered the ranks of the Interior Ministry to become General Inspector of Prisons in 1864. In the new

¹⁷⁸ Beltrani-Scalia, *Memorie storiche*, p. xii; *Dizionario biografico*, pp. 80-81. For Beltrani-Scalia's cultural and political background see also Christopher Duggan, *Francesco Crispi 1818-1901: From Nation to Nationalism* (Oxford: Oxford University Press, 2002), pp. 41, 47.

¹⁷⁹ Beltrani-Scalia, *Memorie storiche*, pp. xii (n. 1), xiii, xvii.

circumstances, Beltrani-Scalia's political background would soon be put to the test. As a state top-official he found himself in the middle of the social and political turmoil of the 1860s and, in particular, in the 'greatest urban insurrection in post-unitary Italian history'.¹⁸⁰

The 1866 Palermo uprising was indeed a major event in Italian modern history, and had serious repercussions both at national and international levels. Fuelled by strong anti-government feelings and popular anger, it lacked a coherent political agenda and was led by an odd coalition composed of republicans, Bourbon loyalists, outlaws, and peasant squads. It was estimated around 40,000 insurgents held Palermo for a week, starting from 18 September. A state of siege was declared, with army and navy being deployed in what became a full scale military campaign. 'Three days of bitter street-fighting' followed before government troops could regain control of the situation.¹⁸¹ Yet, and despite the weakness of the political cohesiveness of the leaders of the revolt, it was far from being a 'hunger riot'. There is plenty of evidence to show that republicans and Garibaldini took an active role in the uprising and tried to give it a particular political direction. In this context, it is worth noting that only government buildings and property were targeted by the insurgents.¹⁸² On the other hand, the events in Palermo revealed the incompetence of the Italian government at dealing with the uprising. The declaration of martial law took place against the will of the cabinet, which was dominated by the military. Many state officials abandoned their offices following the insurgents' invasion of the city. General Raffaele Cadorna, military commander in charge of the operations, failed to gain support from the local population, which meant he could not obtain information crucial to making arrests and restoring public order. The military operations also had negative repercussions on public health since the troops brought a 'cholera epidemic into the countryside'. Finally, the claim that military tribunals could speed up trials and restore the belief in the state's justice soon revealed itself to be ill-founded.¹⁸³ Eventually, the army put down the revolt with summary executions (women included) and sweeping arrests.¹⁸⁴ Overall the campaign had disastrous effects and did nothing to improve

¹⁸⁰ Giorgio Rochat and Giulio Massobrio, *Breve storia dell'esercito italiano dal 1861 al 1943* (Turin: Einaudi, 1978), p. 52.

¹⁸¹ Lucy Riall, *Sicily and the Unification of Italy: Liberal Policy and Local Power 1859-1866* (Oxford: Oxford University Press, 1998), p. 203; Duggan, *Crispi*, p. 285.

¹⁸² Riall, *Sicily*, pp. 207-208.

¹⁸³ *Ibid.*, pp. 212-213, 217-218, 220.

¹⁸⁴ Duggan, *Crispi*, p. 285.

the image of the state. A general feeling of injustice and outrage was compounded by the fact that the campaign in Sicily followed the Liza and Custoza defeats some months earlier. Indeed, it has been suggested that the brutality used in Sicily reflected the frustrations some military commanders experienced against the Austrians.¹⁸⁵ Fatefully, Cadorna sought a 'military solution to what was essentially a political problem'.¹⁸⁶

In this context, and in remarkable contrast with his political record, Beltrani-Scalia, who was on holiday at the time, voluntarily offered to join in the repression himself. Perhaps as a state official he felt compelled to side with the government forces, though many among his colleagues who, unlike him, were in office, absented themselves, while some even joined the insurgents.¹⁸⁷ However, what is more important to note is the way he interpreted the events and what he thought was the right thing to do. Despite the political motive of the revolt, the former democrat and anti-Bourbon revolutionary Beltrani-Scalia chose not to recognise any legitimacy in the insurgency. He did not see his intervention as a potential resource for the government to defuse the conflict through his knowledge of local customs and the political landscape. Indeed, he dismissed any idea of negotiation and political solution and, in his own words, redefined the insurgents as a 'drunken rabble'. Thus the challenge posed by the 'mob' could only be met with force, and Beltrani-Scalia felt his duty was to 'get out to the streets armed with a rifle'.¹⁸⁸ It is clear that he had a direct involvement in the conflict, and this is proved by the silver medal he was decorated with by the government. In his career, Beltrani-Scalia was to receive several official recognitions for his work both in Italy and abroad. However, it was the 'Palermo silver medal' that he cherished the most and was proud of.¹⁸⁹

That the uprising had political motivations has been widely demonstrated and, ironically, Beltrani-Scalia himself unwittingly acknowledged it when he called the reappearance of Garibaldi's banner a 'wretched red rag'.¹⁹⁰ After swearing allegiance to the House of Savoy, Beltrani-Scalia felt the urge to reinterpret the republican motto 'Long live the republic!' used by the insurgents. His aim was to denigrate their political motivation. It seems he wanted to re-possess and idealise the republican model in order to assert that the insurgents did not

¹⁸⁵ *Ibid.*

¹⁸⁶ Riall, *Sicily*, p. 221.

¹⁸⁷ *Ibid.*, pp. 200, 213.

¹⁸⁸ Beltrani-Scalia, *Memorie storiche*, p. xxx.

¹⁸⁹ *Ibid.*, p. xxxiii.

¹⁹⁰ *Ibid.*, p. xxx.

deserve democracy, and therefore did not deserve political emancipation. In Beltrani-Scalia's words, the republican ideal of the Risorgimento was personified by a 'virgin', who was now threatened by a 'wild rabble' who wanted to defile her.¹⁹¹ Beltrani-Scalia went further and wanted to make his political position even clearer by unreservedly praising the Marquis Antonio Starrabba di Rudinì, mayor of Palermo. In his words, di Rudinì was among the few who, in contrast to the general 'cowardice' of state officials, distinguished himself for his 'bravery', and earned 'glory' for his conduct. Indeed, such an assertion lent itself to much controversy, and highlighted the political shift of Beltrani-Scalia away from republicans and democrats. Considering the development of the Palermo events, it is clear that di Rudinì was held in very low esteem by the local population. During the fighting, di Rudinì, together with the prefect Luigi Torelli, remained besieged in the Royal Palace and needed to be rescued later by government reinforcements.¹⁹² Di Rudinì himself regarded the people of Palermo as 'naturally corrupt and inherently predisposed to disobey the law'.¹⁹³ As mentioned earlier, the insurgents did not target any private property, but focused on government buildings. Di Rudinì, however, was an exception: his house was looted and set on fire; his father died in the chaos, while his wife had to flee and hide to avoid what could have been a brutal death.¹⁹⁴

The story of the 1866 uprising did not end with the bombing of Palermo by the government forces and the surrender of the insurgents. Its political significance, and damage for the prestige of the new state would become clearer in the amnesty of the following year. Significantly, the amnesty was introduced at di Rudinì's insistence, but it failed to show 'impartiality, clemency, or a desire to conciliate'. Because the majority who took part in the insurrection was treated as criminals by the government, they could not be considered for the amnesty, which concerned only political offences. Paradoxically, its most direct beneficiaries were prominent Bourbons, i.e. the Sicilian nobility close to the Bourbon crown who tried to direct the revolt from the outset. The political damage caused by the amnesty was further compounded by the fact that those members of the nobility involved in the uprising had already been released by the authorities. In other words, the government wanted to provide reassurance that members of the nobility and the upper classes would not

¹⁹¹ *Ibid.*, p. xxxi.

¹⁹² Riall, *Sicily*, pp. 198-199.

¹⁹³ *Ibid.*, pp. 206-207.

¹⁹⁴ Di Rudinì, together with the democrat leader Francesco Perroni Paladini, had spoken firmly against the rebels. Beltrani-Scalia, *Memorie storiche*, pp. xxxi-xxxii; Riall, *Sicily*, p. 208.

be touched by penal justice, whilst at the same time the rank-and-file bore the brunt of punishment. Subsequently, di Rudinì became prefect and ordered new military operations in a hunt for wanted men, draft-dodgers, deserters and, as had become a common practice of arbitrary rule, anyone who 'gave the appearance of being part of an armed gang' or had 'the face of an assassin'.¹⁹⁵ Not surprisingly, the operations were largely unsuccessful, and the army was subject to frequent allegations of brutality and abuse of power. In April 1867 there were renewed disturbances, showing that di Rudinì's policies failed to restore order and achieve acceptable levels of security. Notwithstanding, in the memoirs of Beltrani-Scalia, the Marquis di Rudinì was presented as a hero, whose name should be forever remembered by history.¹⁹⁶ Indeed, both Beltrani-Scalia's political assessment of the events, as well as his silver medal, would bear a disturbing and ominous resemblance to Bava-Beccaris' decoration and the massacre that would take place thirty-two years later in Milan.¹⁹⁷

Thus as a state official, Beltrani-Scalia gave unreserved support for the repressive policies and conduct of the most reactionary sectors of government and military forces. Moreover, it is worth noting that even with the benefit of hindsight and reflection Beltrani-Scalia would not change his mind. His analysis of the Palermo uprising and his praise for di Rudinì were part of his memoirs on the Sicilian revolutions of the nineteenth-century, written at the end of his life.¹⁹⁸ Therefore his life experience and work for the state seem not to have induced in him a critical reassessment of the Palermo events. On the other hand, it is worth remembering that with the unification Beltrani-Scalia's fortunes took quite a different route, one that was in stark contrast to his previous condition as a political refugee. Through marriage he had linked himself to the Sicilian nobility, and his family had acquired economic interests in the Sicilian sulphur industry. It would be reductionist, however, to regard Beltrani-Scalia as a self-serving turncoat who exploited political circumstances for his own benefit. His political activism, the persecution and exile he endured proved that his actions were prompted by deep motivations. Had it been otherwise, he would have submitted to Bourbon politics in

¹⁹⁵ Riall, *Sicily*, pp. 222-223; Roach, *Esercito italiano*, p. 51.

¹⁹⁶ Beltrani-Scalia, *Memorie storiche*, p. xxxii.

¹⁹⁷ General Fiorenzo Bava Beccaris led the repression of the popular protests that took place in May 1898, leaving hundreds of casualties among Milanese civilians. Bava Beccaris would be later decorated by King Umberto I for 'bravery'.

¹⁹⁸ His work was published posthumously by his son.

exchange for a permission to practise as a lawyer.¹⁹⁹ For many, his career in the prison administration might seem ill-suited for someone who professed democratic principles and wanted to rid Italy of absolutism. However, it was precisely the post of prison inspector that gave him the opportunity to pursue a broader project of social reform, which he saw as coherent with the political principles upheld in his youth. His enlightened and liberal project of reform of the prison system was to be developed within the context of the formulation of the new penal code and in the wake of the leftist reformism of the last quarter of the nineteenth century. It is no surprise therefore that he consistently focused on the idea of moral reform of prisoners as his direct contribution to the building of the Italian nation. In his view, moral reform should involve the whole population, and lay the foundations of a modern state.²⁰⁰ Although comprehensive in his views, Beltrani-Scalia remarked that special attention should be reserved for the lower classes and, within them, children in particular. But it was the prison population that cried out for immediate intervention, since breaking the law, or the mere circumstance of being put in gaol, was often equated with lack of morality.

The ideal of moral reform was not limited to the prison environment or to penal institutions though; nor was it a mere guideline to be applied in managerial terms to the administration of prisons. Beltrani-Scalia had embraced the idea of moral reform previous to his appointment as General Inspector of Prisons in 1864, and at a much earlier stage in his political formation. In fact, like many of his peers, he drew on the romanticism which had permeated intellectual circles in Sicily since the 1830s, and which complemented his political and intellectual education during exile. Romanticism was seen as 'democratic' and 'progressive', and stood in contrast to 'aristocratic' and 'conservative' classicism. 'Democratic romanticism' was celebrated for its greater accessibility, and therefore was considered as a means for political education and reform.²⁰¹ Imbued with the revolutionary ideals conveyed by writers of the Risorgimento such as Francesco Guerrazzi, Silvio Pellico and Massimo d'Azeglio, Beltrani-Scalia had strong motivations not only to fight in the revolutions, but to commit himself to a project of social reform. Like many of his contemporaries, he had aspired to emancipation from Bourbon absolutism, and to then guide the population towards an enlightened path of

¹⁹⁹ Perhaps only private correspondence would allow for a more in-depth exploration of his political thoughts during the upheavals of the Risorgimento and the years following unification.

²⁰⁰ Beltrani-Scalia, *Memorie storiche*, p. 99.

²⁰¹ Duggan, *Crispi*, p. 27.

moral progress and political education. The opportunity arose with Liberal Italy, and the new political circumstances called Beltrani-Scalia to put into practice his ideal: thus the prison administration offered him the best opportunity to make real what under the Bourbon regime had to remain confined to literary and philosophical circles. Following unification, reform could indeed be extended to the whole peninsula and defeat papal theocracy and obscurantism. It was an ambitious project and could only be pursued by getting hold of the state machinery and this crucially included the prison apparatus. Nonetheless, as seen above, Beltrani-Scalia's role in the 1866 uprising, and his public support for di Rudinì, severely undermined his democratic credentials, leaving a controversial image of the former revolutionary.

In connection with his new position inside the state apparatus, he soon became known as a 'prison expert' both in Italy and abroad, representing the government at international congresses and meeting personalities such as Sir Walter Crofton. The latter was the main author of the so-called 'Irish system'. Beltrani-Scalia appreciated Crofton's work and wanted to import the gradual system into Italy.²⁰² Beltrani-Scalia would become director of the prestigious journal *Rivista di discipline carcerarie* and the most respected authority on prison reform in Italy. His views on punishment and prison reform borrowed principles from both the classical and the positivist schools. Sometimes this blending led to contradiction, making it difficult to position his work within any of the opposing fields in penal thought. As an example, while working on prison reform he declared that the government should focus its attention on prisoners, because they were the key to finding the 'cure to the ills that trouble our society'. This inmate-centred approach expressed in medical parlance resembled Lombroso's anthropological focus. While asserting the centrality of the individual offender, it marked a clear distinction from the impersonal and universalist tenets of the classical school. On the other hand, and rather confusing Lombroso's methodology, he jumbled up different categories of offenders and mixed together members of organised crime with anarchists and communists.²⁰³ This was at a time when Lombroso had already updated his methodology, making distinctions among inmates, and classifying political offenders as a kind of 'superior

²⁰² *Dizionario biografico*, (VIII), p. 81. In 1867 Beltrani-Scalia dedicated Crofton his book *Sul governo e sulla riforma delle carceri in Italia. Saggio storico e teorico* (Turin: Tipografia G. Favale, 1867).

²⁰³ Beltrani-Scalia, *La riforma penitenziaria*, p. 6.

type of criminal'.²⁰⁴ During the years of heated debates on the issue of capital punishment, Beltrani-Scalia sided with the anti-abolitionist party. He argued, however, that it was a necessary deterrent to the high numbers of 'heinous crimes' that allegedly took place every year in the peninsula. His argument was not therefore based on atavism or biological determinism. Thus the death penalty should be above all an instrument of deterrence, and bore no relation to the idea that 'incorrigibles' should be physically eliminated as argued by some members of the positivist school.²⁰⁵ In Beltrani-Scalia's view, recidivism, also a central point in Lombroso's idea of the 'born criminal', was related to a variety of issues, and these left almost no room for biological explanations. He acknowledged, for example, that recidivism could be related to a lack of real incentives to encourage good behaviour (e.g. parole), or by counter-productive measures such as police surveillance which, as testified in many cases, hindered former convicts from finding stable employment after release.²⁰⁶

Overall, and in keeping with his belief in social reform, Beltrani-Scalia supported the idea that prisoners were reformable, and that the state must promote measures to facilitate their rehabilitation. It was a decisive departure from classical penal theory and showed that, at least among the highest ranks in the prison apparatus, there was some commitment to the idea of reforming offenders. Thus punishment should not be based exclusively on retribution. Significantly, such a view enjoyed the backing of Francesco Crispi, one of the most influential political leaders in Italy before the turn of the century. That both men shared the same views is shown by the fact that Beltrani-Scalia was personally assigned to the role by Crispi. In fact, they were linked by friendship as well as by a similar cultural and political background. Both men came from Sicily and knew the cultural and political climate under the Bourbon regime. They attended the same university, experienced political exile, and returned to Italy to take an active part in politics and the administration of the state. They shared the ideal that their political commitment should aim at building a nation and, for that purpose, the state should impart moral and patriotic values to the masses. Political unification should not only aim at independence and prosperity, but also at a 'moral unification' of Italy.²⁰⁷ Those sectors of the population that did not come up to the moral standards set by the 'fathers' of the

²⁰⁴ Lombroso labelled them 'criminals of passion'. Cesare Lombroso, *Criminal Man*, trans. by Mary Gibson and Nicole Hahn Rafter (London: Duke University Press, 2006), p. 10.

²⁰⁵ Beltrani-Scalia, *La riforma penitenziaria*, p. 36.

²⁰⁶ *Ibid.*, pp. 340-341.

²⁰⁷ Duggan, *Crispi*, p. 4.

Risorgimento, should become the focus of a political and pedagogical plan tailored to educate them. They therefore had a duty to 'moralise' the masses, and prisoners were seen as a crucial target in the liberals' project. Thus in 1877, in connection with the ongoing process of reform of penal law, Crispi called his old friend from Palermo and asked him to reorganise the prison service. Whilst trusting his expertise and experience, Crispi expressed his own desire to be remembered by history as the Italian leader who made it possible to bring about a successful prison reform.²⁰⁸ Thus the prison system should be remodelled in the context of Crispi's reforms programme and, in particular, in connection with the new penal legislation. With Crispi's political support, Beltrani-Scalia eagerly set to work, and despite the state's financial difficulties, his reform was to leave an indelible mark on the Italian prison system.

3 – Lombroso's school and its impact on the prison system

Considering the secularism and strong anti-clerical feelings held especially among members of the left, it is plausible to assume that Catholic notions of sin would be superseded by science applied to criminal justice. In fact, this was in keeping with Lombroso's school which asserted that 'punishment should fit the offender's social and psychological profile 'scientifically''.²⁰⁹ It has been argued that positivism, while failing to shape the *Codice Zanardelli*, would have had a major impact on the prison apparatus. In particular, it would have sown the seeds of scientific methodology among the prison bureaucracy.²¹⁰ Indeed, scientific principles were brought into prison management, and some basic elements of Lombroso's criminal anthropology in particular penetrated the prison system. In prison register books, for example, a detailed record was kept of inmates' natural features, together with other physical characteristics, such as tattoos or scars. However, archival sources suggest that it was not leading to the creation of scientifically-defined categories of offenders, and remained at the stage of mere data collection. In this connection it is worth noting that

²⁰⁸ Beltrani-Scalia, *La riforma penitenziaria*, p. 5; Duggan, *Crispi*, p. 575.

²⁰⁹ Duggan, *Crispi*, p. 575.

²¹⁰ Mary Gibson, *Born to Crime: Cesare Lombroso and the Origins of Biological Criminology* (Westport: Praeger Publishers, 2002), p. 6.

whenever there was an exchange of information on inmates among prison governors and prefects, their main focus would be on behaviour, 'moral reform', and potential links with organised crime or political activity. In the archives, there is no mention of 'criminal anthropology' by either prison governors or chief warders. In their reports on specific prisoners who were in transit or about to be released, officials would not refer to any physical or anthropological features to argue their potential dangerousness. Typically, inmates would be described as either 'well-behaved', 'stubborn', 'unruly', 'trouble-makers', or '*camorristi*', but not as 'born-criminals' or blemished by 'biological degeneration'.²¹¹ The boundaries of legal punishment had been marked off by the penal code, and there is no evidence to suggest that prison officials were imbued with a Lombrosian culture and willingness to shift those boundaries. The data collection might well have served as a national 'inventory of criminals', and eventually be used for further research. However, and despite Lombroso's fame and influence, criminal anthropology failed to shape the administration of the prison complex of Liberal Italy in any significant way.²¹²

Thus a practical effect of the positivist school was to be felt only after the first decade of the twentieth century, and this has been acknowledged in the historiography.²¹³ It is worth remembering, however, that by then the foundations of penal justice and the prison system had already been laid down. In the first quarter of the twentieth century, the so-called 'third school', which would claim to have superseded the 'quibbles' between the classical and the positivist schools through a 'wise synthesis', never claimed to bring about a revolution in the penal system, and less so the Fascist jurists.²¹⁴ In 1930, under Fascism, the positivist school again failed to make a distinct impression on the Rocco Penal Code that replaced the Zanardelli Code. Elements of the positivist school would only partially influence the new code, and the positivists had to abandon their aspirations for a major role in defining penal legislation, and focused instead on administrative laws concerning mainly prostitution, binge-

²¹¹ The lack of a clear definition of the term '*camorristi*' makes it too difficult to explore the real connections with organised crime. It would be necessary to narrow down the focus of this study to one geographical area and concentrate on criminal activities.

²¹² Prisons for the insane are beyond the scope of the present study. It is worth noting, nonetheless, that a few had emerged by the end of the century: Aversa (in 1876 a special area was reserved for the mentally ill), Reggio Emilia (1882), and Montelupo Fiorentino (1886). Aversa was the result of a managerial decision taken by Beltrani-Scalia himself and did not involve new legislation or parliamentary deliberation.

²¹³ Gibson, *Born to Crime*, p. 4.

²¹⁴ Fassone, *La pena detentiva in Italia*, pp. 44-45.

drinking and drug use.²¹⁵ Furthermore, the fact that Beltrani-Scalia was well acquainted with criminal anthropology suggests that he did not consider it wise, or practical, to adopt its theories to reshape the prison system.²¹⁶ Had it been otherwise, Lombrosian criteria used to define criminal behaviour would have emerged in the 1891 prison regulations. It was therefore Beltrani-Scalia, under Crispi's patronage, and not Lombroso, who had a major impact on prison management, and his mark was to remain up until the reforms of the post-Second World War era.

For all the allegiance to progress and scientific development of positivists and the left in late nineteenth century, criminal justice remained largely a contentious area of debate among rival penal schools. But at the level of daily management and basic principles, prisons retained a classical outlook, and kept at arms-length any radical change based on the most recent scientific debates. Significantly, when discussing the reform of offenders, Beltrani-Scalia insisted that people committed crimes due to an alleged 'lack of will'.²¹⁷ It implied that offenders did not resist temptation, and *chose* to do wrong. It was therefore 'free will', a Christian-based tenet of the classical school, which was invoked to explain crime, and not theories on biological degeneration. This was in keeping with the idea of moral reform.²¹⁸ Indeed, Beltrani-Scalia was not alone in his non-Lombrosian approach to prison administration. His colleague and prison governor Giustino De Sanctis would declare repeatedly that criminal anthropology was misled. Having eighteen years' experience in prison management, De Sanctis stated that law-breaking, and in particular recidivism, was related to a variety of factors, ranging from destitution and the abandonment of children, to lack of welfare and social prejudice. But it had nothing to do with heredity. During his time in office De Sanctis conducted specific surveys on inmates' backgrounds in the penitentiaries under his supervision, and came to the conclusion that Lombroso's 'atavism' was a myth.²¹⁹ Aware of the inconsistencies between academic assertions and his experience in prisons, he sharply criticised criminal anthropology and its alleged scientific authority. Criminal

²¹⁵ Gibson, *Born to Crime*, pp. 210, 235.

²¹⁶ Beltrani-Scalia, *Memorie storiche*, p. xxxvi. Beltrani-Scalia knew Lombroso personally and may have reviewed some of his works.

²¹⁷ Beltrani-Scalia, *Sul governo e sulla riforma delle carceri*, p. 8.

²¹⁸ The position of the classical school was completely opposite to the theory defended by the positivists. See Enrico Ferri, *La teoria dell'imputabilità e la negazione del libero arbitrio* (Florence: Tip. G. Barbera, 1878).

²¹⁹ The fact that Lombroso would acknowledge the influence of social factors did not diminish the force of his central argument, i.e. that social order was threatened by the 'born criminal'.

anthropologists, in De Sanctis' view, were quick to exploit social prejudice and give a scientific aura to a discourse on crime that ignored the social and political dimension of penal justice. Lombroso's methodology, in particular, was fundamentally flawed because it lacked control groups.²²⁰ Thus criticism, or simply dismissal of Lombroso's theories, did not pertain only to academic or scientific circles in Italy and abroad, but was also expressed inside the professional prison milieu. Lombroso may have provided 'a new language of social representation', and exploited science to interpret social problems that were deemed to be a failure of Italian national unification.²²¹ But this does not allow us to rush to the conclusion that criminal anthropology became the new bible of prison management. In general, and despite claims that criminal anthropology had a decisive impact on the Italian prison system, there is little to suggest that the DGC embraced the theory of the 'born criminal'.²²²

It is important to bear in mind that the positivist school, and Lombroso's theories in particular, failed to influence the prison system in any significant way. Had criminal anthropology gained the upper hand it would have led to the creation of a penal regime geared towards elimination. The consequences for inmates might have been deadly, with life segregation or physical elimination forming the core of legal punishment. Not surprisingly, Lombroso, together with other prominent representatives of the positivist school such as Raffaele Garofalo, would consistently support the death penalty. By contrast, the triumph of the classical school meant that, in official terms at least, the DGC would continue to seek the rehabilitation and the reform of offenders, and moral reform would remain a central tenet of the penal project.

²²⁰ De Sanctis, *Studi ed osservazioni d'un Direttore Carcerario*, p. 18. Rebuttal of Lombroso's theory can also be seen on pp. 10, 14, 15, 16 and 23. On the lack of control groups in Lombroso's studies see also Gibson, *Born to Crime*, pp. 28-29.

²²¹ Daniel Pick, *Faces of Degeneration: A European Disorder 1848-1918* (Cambridge: Cambridge University press, 1989), p. 111.

²²² For a divergent view see Gibson, *Born to Crime*, pp. 5-6, 9-10, and passim.

4 – The reform project and the inconsistencies of Italian politics and public administration

While preparing his reform project, Beltrani-Scalia made a comprehensive review of penal reform since national unification. His work surveyed a wide range of aspects of penal justice and prison administration. It focused on four main points: 1 – implementation of the ‘Irish system’ (a progressive system of punishment and discipline that would have allowed prison governors greater control and discretion); 2 - support for the death penalty as a deterrent measure, and parole as an incentive against recidivism; 3 - the systematic employment of prisoners’ labour in public works (including land reclamation, building of railways, bridges, ports, mining and quarrying); 4 – an extensive use of solitary confinement. On all four points Beltrani-Scalia was to be frustrated by either the parliament (e.g. the death penalty was eventually abolished) or by structural deficiencies (e.g. the use of solitary confinement had to be reduced because of the lack of cells). In his study, Beltrani-Scalia also highlighted an aspect of the liberal state that would later be confirmed by historians: public policies in Italy, or for that matter, penal reform, suffered from the chronic inconsistencies that accompanied every change of cabinet. In particular, he raised doubts about the competence of the ‘many commissions’ that had been appointed on penal reform. In his opinion, their work was beset by discontinuity, inconsistency and disorganisation. Four different commissions on penal reform had been designated since 1861, then a fifth commission was appointed in connection with the rise of the left and the new cabinet formed by Depretis in 1876. The fact that up to that point the right had been in power was no guarantee of continuity or a general agreement on penal policy. As an example, the third commission, appointed on 15 November 1865 and headed by Federico Bellazzi, was dismissed after endless disputes with the government and a fundamental disagreement with the Minister of Justice Giuseppe Pisanelli. The work of the fourth commission, appointed on 19 February 1866, was forced to stop because of the war and an ‘outbreak of cholera’, while the report of the second commission was never published.²²³ In a further demonstration of its inconsistency and inconclusiveness, the government had produced thirteen versions of a reform bill in the period from 1864 to 1877,

²²³ Beltrani-Scalia, *La riforma penitenziaria*, pp. 17, 19-20, 25.

with an average of one draft a year.²²⁴ Beltrani-Scalia followed the ups and downs of penal reform in Italy, and hoped for the retention of the death penalty, the increase in the length of solitary confinement, and the adoption of the 'Irish system'. As mentioned above, he was to be frustrated in most of his expectations.

In 1876, during the work of the fifth commission, the DGC was kept out of the discussions and the 'Irish system', though accepted in principle, was considerably restricted in scope by the new Minister of Justice, Pasquale Stanislao Mancini. In practice, this meant that while the DGC was allowed some discretion in the management of prison discipline, this concerned only one category of convicts and, more importantly, entailed no power to regulate the length of punishment (as defended by the positivist school). Apparently, the problem was not so much a technical dispute on how prisons should be run, or what the justification for punishment should be. At stake was actually the margin of discretionary power that the DGC would have had in the event of approval of the 'Irish system' as envisaged by Beltrani-Scalia. Mancini highlighted the need to curb what he called the growth of 'administrative arbitrariness' in the state. In other words, the government wanted to curb the power of top bureaucrats, or for that matter, the potential for punishment being based more on the assessment made by prison officials (be it on the bases of behaviour or 'criminal anthropology'), and less on the sentences pronounced by the courts.²²⁵ During the debates Mancini also demonstrated the futility of the death penalty for deterrence, gaining the votes of the commission for its abolition.

On the other hand, Beltrani-Scalia was quite right in pointing out that disorganisation was a considerable hindrance. Indeed, after five commissions had been designated, no budget existed for planning the costs that the reform would entail. This added a formidable obstacle to carrying out the government's plans and forced Mancini to declare that the question would be addressed through 'extraordinary decrees'.²²⁶ Such inconsistency was mainly the result of the fluctuations in government and the political patronage that accompanied every change of cabinet. Ultimately, this was also the result of a restricted suffrage and the narrow political class, made up of notables, landowners and social elites that ruled the country. This was

²²⁴ *Ibid.*, p. 49.

²²⁵ *Ibid.*, pp. 38-41; Pessina, 'Il diritto penale in Italia', p. 699.

²²⁶ Beltrani-Scalia, *La riforma penitenziaria*, p. 48.

realised by contemporaries and historians alike. Giovanna Tosatti and Guido Melis have shown how public administration was marked by discontinuity and the constant reshuffles within the ministerial offices. This of course made it particularly difficult to pursue a coherent policy in the penal sector. Such political instability and the inconsistency that accompanied the work on prison reform have to be taken into account since this had a direct impact on inmates' lives. It can also help to explain how the interplay between politics and public administration could influence both the bureaucracy and the government plans for reform.

It has been pointed out that the proverbial inertia and indecisiveness of the Italian government to plan and carry out a structural reform of the prison system resulted from specific penal policies and political beliefs. Thus an unreformed prison system, with its violent mode of operation and brutal discipline-enforcement, was seen as useful by the authoritarian and paternalistic ruling classes.²²⁷ Thus retribution and deterrence, based on the principle of less eligibility, would ensure that the populace remained obedient and acquiescent. Accordingly, growing social unrest and public protest needed to be dealt with through force, and a harsh prison regime was deemed to be suitable to restore 'order and morality'. In fact, in the context of social and political upheaval that followed unification, the first commission on prison reform (1862) stressed the need to restore intimidation and repression as a means of 'retaking control'.²²⁸ Therefore the long-running disputes and endless debates on the qualities and defects of the Auburn and the Philadelphia systems, which started in the pre-unitary states and continued after unification, would have disguised in technical language what was essentially a political question.²²⁹

Indeed, whenever a reform project was discussed in parliament it was almost immediately blocked by fruitless debates between those who supported the Auburn system and those who preferred uninterrupted solitary confinement. One might expect that such debates would eventually lead to the choice of either system. However, reform could not be achieved anyway, regardless of the validity of arguments from any of the groups involved, because all proposals for reform ended in deadlock. It was feared that taking a decision for either system would lead to huge costs in adapting prisons to the new system and that it would be a waste

²²⁷ Neppi Modona, 'Carcere', pp. 1910-11, 1920.

²²⁸ Beltrani-Scalia, *Sul governo e sulla riforma delle carceri*, p. 486.

²²⁹ Neppi Modona, 'Carcere', p. 1911.

of public money since the 'progress of penology would soon prove the adopted system outdated'.²³⁰ The argument was, in fact, subtle and misleading because it gave the impression that the actual problem was that penal science had yet to discover the 'definitive and absolute system'. However, following such reasoning could only lead to stagnation and undue delay. Could such an argument – one may ask - enjoy credibility in other sectors of public administration? Could it be argued, for example, that railways would not be built until an engineer came up with the 'definitive and perfect train'? Despite the intense debate, the argument on prison reform was deceptive and ambiguous, with no one able to tell when the 'ultimate prison' was to be invented. This seemingly technical-scientific discourse served to conceal the government's inability to come up with a proper plan for reform and to take a clear stance on rehabilitation.

Although Neppi Modona is quite right to point to stagnation and neglect as the result of a politically motivated stance on penal reform, this is only part of the explanation. Whereas the lack of a coherent penal policy which focused on rehabilitation persisted in connection with political beliefs, there were also underlying factors that were not directly related to political principles. These had nonetheless a significant impact on prison administration and considerably undermined central control. Inadequate planning and lack of coherent policies affected not only the periphery of the state apparatus, but had repercussions on the centre as well. Indeed, the Interior Ministry itself, together with its prison branch, the DGC, had to work in a context dominated by political patronage, inconsistent policies and sudden reshuffles of top managers. It became a characteristic feature in the 1860s and thereafter, and the overlapping of political and administrative activities blurred the boundaries between politics and state bureaucracy. In this context, public servants became vulnerable and lacked protection against arbitrary interference by ministers and members of parliament.²³¹ Because political allegiance could not be separated from career prospects it is hardly surprising that the younger generations of bureaucrats, eager to ascend, sought patronage, all the more so if one considers that promotion did not depend on individual merit at work, but on vacancies in positions further up the civil service hierarchy. Too many imponderables and sheer luck in such a system of promotion contributed to the growing of dissatisfaction and frustration

²³⁰ *Ibid.*

²³¹ Guido Melis, *Storia dell'amministrazione italiana 1861-1993* (Bologna: Il Mulino, 1996), pp. 49-50.

among the younger civil servants. The result was the random expansion of management positions to satisfy young and ambitious bureaucrats. These continued to be created by government decrees until 1904, thus undermining any systematic planning. More importantly, this subordinated the public administration to particular political interests and the former became subject to fluctuations linked to the struggles for political power.²³²

This created the pre-conditions for failure of long-term planning, and the Interior Ministry, located at the core of the bureaucratic machinery, was indeed regarded as a 'testing laboratory' of the public administration.²³³ The lack of a comprehensive plan to organise the Ministry itself became a key feature in the years following unification. In this connection, inconsistency reflected the instability in the political arena. In the thirteen years following its unification, Italy had thirteen cabinets with twelve different Ministers of the Interior. Each of them had a personal view, and changed management and internal organisation accordingly.²³⁴ More importantly, they lacked any coherent plan or coordination which increased confusion, internal fragmentation and bureaucratic inefficiency. Not even Bettino Ricasoli (the 'Iron Baron') managed to save his plan from political intrusion. Issued in October 1861, it was regarded as the 'most rational and well devised' programme. However, it was dropped in less than twelve months. In fact, prisons and police were at the core of the project, while Ricasoli was in office and an appointed commission was working on prison reform.²³⁵ Moreover, each of a series of decrees to reorganise the Ministry's offices between 1861 and 1872 failed to last more than three years. Thus it soon became clear that the liberal elites were unable to come up with any coherent programme, and the prison sector was left largely as it had been inherited from pre-unitary states. The lack of planning and coordination would continue further into Depretis' cabinet and after 1876.²³⁶ Such lack of coordination and persistent inconsistency did not pass unnoticed and an official report called the attention of Rome to the gap that existed between the cabinet and its ministries, and between the latter and their internal offices. The Interior Ministry was taken as an example of the extreme

²³² *Ibid.*, p. 55.

²³³ *Ibid.*, p. 52.

²³⁴ Giovanna Tosatti, *Storia del Ministero dell'interno: dall'Unità alla regionalizzazione* (Bologna: Il Mulino, 2009) p. 14.

²³⁵ *Ibid.*, pp. 14-15.

²³⁶ Melis, *Amministrazione*, p. 56; Giovanna Tosatti, *Il Ministero dell'Interno - 2*, in *L'amministrazione centrale dall'Unità alla Repubblica: le strutture e i dirigenti*, ed. by Guido Melis, 4 vols (Bologna: Il Mulino, 1992), p. 28.

compartmentalisation of Italian public administration, to a point that the same ministry was regarded as only the nominal head of a collection of independent offices. It was said there were several 'subministries', according to the number of general directorates, and that each one became a self-governing body and conducted its own business in isolation.²³⁷ Thus coordination with the central government and with agreed policies was virtually non-existent. Therefore if inconsistency and negligence were to become persistent features of the prison system, this was less likely to be the direct result of government's decisions. This brings us right to the core of the DGC, which was, according to the report, another 'subministry' inside the actual Ministry.

Indeed, the confusion was taken to a further stage in the case of the DGC. This was because the central office for prison administration enjoyed a remarkable degree of autonomy which set it further apart from the rest of the state bureaucracy. According to Querci Seriacopi Epaminonda, General Inspector of Prisons, its autonomy was due to the particular nature of its work.²³⁸ In fact, prison administration was regarded as a distinct branch of the state apparatus which required 'special preparation' and specific knowledge to deal with a complex variety of 'scientific, practical and technical questions'.²³⁹ Perhaps coordination became even more unlikely because of the degree of specialisation which the prison service commanded. In explaining the nature of its work, Querci Seriacopi used a range of medical terms such as 'prophylaxis and moral therapy', 'penal treatment and hygiene' which highlighted the gap that existed between 'experts' and 'non-specialists'. Consequently, the former felt entitled to run the prison system thanks to their knowledge and alleged expertise, while the latter were prevented from entering the preserve of the specialists. This 'discourse by experts' tried to shield the prison system from public scrutiny and keep it within the 'technical realm', thus denying its political dimension. On the other hand, it made the experts accountable only to the head of the DGC and, as the debates around the 1862 Commission had demonstrated, technical language and scientific discourse overshadowed the political side of penal administration, pushing questions on justice and rehabilitation to the margins of public debate. Additionally, lack of coordination and sheer inconsistency in administration

²³⁷ Tosatti, *Storia del Ministero dell'interno*, p. 16 (n. 25).

²³⁸ Querci Seriacopi was designated General Inspector on 9 August 1910 by royal decree. Tosatti, *Il Ministero dell'interno*, p. 251 (n. 604).

²³⁹ *Ibid.*, p. 43.

undermined political initiative, contributing to the perpetuation of the state of neglect that characterised most of the penal apparatus under the liberal regime. To a considerable extent, the centre lacked the power and the organisation to carry out efficiently any policies aimed at prison administration. Thus regardless of the real intentions of the ruling classes, the government's ability to regulate and control the prison system was less effective than has been suggested.²⁴⁰

Furthermore, and despite its remarkable autonomy, the Directorate-General of Prisons was not immune to sudden and arbitrary changes in its top management positions. As Querci Seriacopi observed, none of the state offices had been subjected to as many 'strange' changes as the DGC. He described as an 'upheaval' the inexplicable degrading of top bureaucrats and the promotion of 'book-keepers' to management positions without any test of knowledge or competence. The prison administration was marked by the sudden abolition and restoration of positions, along with the bewildering reshuffle of its personnel. Thus, despite its alleged technical-scientific and professional nature, the DGC could not escape political interference, together with the deleterious consequences of political patronage and ministerial infighting.²⁴¹ This reinforces the argument that a coherent plan aimed at reforming and equipping prisons for the rehabilitation of inmates was unlikely to become a reality, and that government-led effective action would have required an extensive reform of the bureaucratic apparatus in the first place. Moreover, such an ineffective administrative apparatus, together with political instability, suggests that the Foucauldian model of a prison system designed to produce a docile working class for the industry was unlikely to emerge anyway. In this context, dominated by dysfunctional compartmentalisation, political interference, and legislative inertia, power over the prison system was more likely to be held by a 'sub-ministry' like the DGC, and less by the cabinet. So regardless of official statements released by the government and principles supported in penal theory, punishment was much more an issue to be handled by the prison administration, within an ideology of correction and retribution. In this context top officials represent central figures to understanding the prison regime.

In relation to prisoners' living standards, Neppi Modona has emphasised the impact of the highly centralised bureaucratic apparatus of the state, and the unduly-delayed replies to the

²⁴⁰ For a different view, see Neppi Modona, 'Carcere', pp. 1910-11, 1920.

²⁴¹ Tosatti, 'Il Ministero dell'interno', p. 45.

requests of inmates. Thus the latter had to endure further hardship such as cold, hunger and disease because Rome had not authorised the purchase of food, the use of personal clothing, or a particular type of medicine or, when it did, it was too late. The implicit argument here is that this was done on purpose to increase suffering and hardship and thus better control the prison population.²⁴²

Undoubtedly many inmates were severely affected by either the inefficiencies of the system or by deliberate policies aimed at increasing the levels of suffering and making retribution more thorough. However, it is unlikely that the 'dictatorship of bureaucratic inertia' resulted from a conscious policy specially devised to make prisoners' lives harder. To a considerable extent, the state apparatus was not well-equipped to manage a vast prison system efficiently. Besides the negative effects of political patronage and chronic inconsistency, the Interior Ministry itself had a relatively small staff (it was the fourth ministry after Finance, War and Public Works) and its numbers would decrease further after 1867 following the austerity measures that characterised the governments of the right.²⁴³ On the other hand, it fulfilled a disproportionate number of offices on behalf of the government such as: the control and supervision of local government and charity bodies; public security; emigration; censorship of the press; handling elections; the supervision of prisons, hospitals, public archives, theatres and any form of public entertainment. The list of areas under the direct control of the Interior Ministry is actually longer. It is worth noting, however, that its resources and personnel did not match the amount of work expected from it. At the core of the operations on the ground were the prefects, who were asked to accomplish the 'impossible'. Without suitable means, prefects had to deal with the pressing demands of a highly centralised government, and this placed them in situations that exposed the vulnerability of the state. Their relative powerlessness in relation to the government's ambitions led to definitions of the Italian liberal model as a 'weak centralism' and the 'impossible rule'.²⁴⁴ In addition, the work related to public security relied mostly on the prefects who, nonetheless, had little autonomy to decide on matters related to penal institutions and their captive population.²⁴⁵ This meant that prefects, in most cases, had to first consult with Rome before taking any significant

²⁴² Neppi Modona, 'Carcere', pp. 1931-1932.

²⁴³ Tosatti, *Storia del Ministero dell'interno*, pp. 18-19.

²⁴⁴ *Ibid.*, pp. 12-13. The 'impossible rule' is a close translation of the title of a book by Raffaele Romanelli on the role of prefects in Liberal Italy, *Il comando impossibile* (previously mentioned).

²⁴⁵ Tosatti, *Storia del Ministero dell'interno*, p. 20.

decision related to prisons. Moreover, the Interior Ministry was characterised by a small staff and excessive red tape, with its workforce entirely taken up with a routine consisting of meticulous rules and needless paperwork.²⁴⁶ Thus red-tape and bureaucratic inertia were not exclusive features of prison administration. Excessive paperwork would slow down even some apparently straightforward operations such as the purchase of chairs for the San Carlo Theatre in Naples. Indeed, in order to conclude the acquisition of twelve chairs, the Interior Ministry produced no less than twenty official letters in a lengthy, wasteful and seemingly irrational bureaucratic procedure.²⁴⁷

On the other hand, it might be plausible to assume that some staff would positively judge the resulting delays and further hardship that bureaucratic practices entailed for prisoners. However, what might be called the 'bureaucrats' tyranny' was less than perfect. Cracks and resistance did originate inside the system. Neppi Modona has rightly pointed out that the over-centralised prison system led to the disempowerment of prison governors who would frequently send letters to Rome on even the most trivial matters, and countless requests from inmates were forwarded to the centre. But this does not mean that Rome was omniscient and was therefore in full control of the system and its mechanisms for regulating suffering and discipline. As previously observed, given the inconsistency and poor organisation of the central offices, it is unlikely that Rome would have been able to deal efficiently with inmates' requests anyway. Only an efficient bureaucracy would have had enough power to consciously administer its own ways of punishment. Moreover, as the example of the '*scrivanelli* scandal' in Naples would show, not all prison governors were obsequious or faithful upholders of official policy either. The scandal involved corruption in the prison accountancy office, with the connivance of the governor. The latter, however, demonstrated a bold stance, and grasped the opportunity to make outspoken comments on the whole system. He challenged the authority and prestige of the Interior Ministry by presenting a picture of the prison machinery as fraught with chronic problems such as shortage of staff and overreliance on prisoners' labour. Hence, if there was corruption and if rules went unobserved this was because the system designed by Rome was structurally flawed, underfunded and poorly organised. That some inmates exploited the flaws to reduce suffering and improve their

²⁴⁶ *Ibid.*, p. 27.

²⁴⁷ Melis, *Amministrazione*, p. 70 (n. 155).

conditions was a logical human response to the inadequacies of the system and unnatural way of life that prison created. More details on the case in Naples will be discussed in the next chapter.

By contrast, while the prison governor in Naples would bring the authorities' attention to what were essentially structural and managerial failures, Beltrani-Scalia focused on what he regarded as the source of all problems: 'moral deficiency'. This will lead us into the next chapter. In fact, the General Prison Regulations (GPR) reflected to a great extent the main concerns of the head of the DGC and many of his peers. In this context, the GPR will be analysed in relation to the views held by Beltrani-Scalia and some of his colleagues on what were regarded as the major problems that beset the prison system.

Chapter Three – Prison Regulations and the Idea of Moral Reform

'(...) this futile excess of punishments, which have never made men better (...)'²⁴⁸

'The Government, what is it? The Government is the Government. And we ought all to obey, from the highest to the lowest, all of us, each in his own station, and think of the community! Why should these gaolbirds, wretched ungrateful dogs that they are, come and spoil for us old men the satisfaction of seeing that community, Italy, changed by our efforts to a Power of the first rank?'²⁴⁹

As discussed in the previous chapter, during the penal reforms of the end of the century the classical school prevailed over positivism. Categories of offenders drawn from Lombroso's criminal anthropology, such as 'born criminals' or 'incurables', were not incorporated in penal legislation, nor became valid principles in prison management. Both the government, and the state apparatus shunned a 'scientific revolution', and opted for more traditional and risk-free methods of prison management. To a great extent, the GPR and prison discipline reflected the beliefs and experience of Beltrani-Scalia, head of the DGC and chief author of the regulations. Thus 'moral reform', in like manner the envisaged social reform of unified Italy, was a central part of the mission of building the Italian nation. Beltrani-Scalia, as many among the moderate liberals, saw the alleged lack of morality of the masses as a major obstacle to accomplish the social and political project of the Risorgimento. In this context, prisoners were an obvious target of liberal pedagogy, but they were not the only ones. 'Moral deficiency' will function here as an umbrella term to signify the various expressions used by Beltrani-Scalia and other prison officials to refer generally to what they saw as corruption.²⁵⁰ Fraud and misconduct did not involve only inmates though. As previously seen, his colleague Querci Seriacopi shared most of the views on the problems that originated from political

²⁴⁸ Beccaria, *On Crimes and Punishments*, p. 66.

²⁴⁹ The Garibaldinian Mauro Mortara, in Pirandello, *The Old and the Young*, I, p. 205.

²⁵⁰ Beltrani-Scalia, *La riforma penitenziaria*, pp. 286-287, 291.

patronage and the intrusion of politics and vested interests into the DGC. This would have led to inefficiency and the spread of dishonest practices.

Indeed, the evidence suggests that political patronage, inefficiency and corruption were all interwoven. In this context, Beltrani-Scalia made a severe indictment of what seemed to be a widespread *modus operandi* characterised by partiality, unfair treatment of employees and ministerial infighting. In other words, he feared that the many injustices he saw afflicting staff and hampering their careers, would reflect negatively on the prison system as a whole and, in particular, on prisoners' rehabilitation. If there were no integrity and righteousness inside the very office in charge of the prison apparatus, how then could inmates be expected to learn ethical values and embrace moral reform? The problem, however, seemed to be much bigger, involving more than battles for promotion, favouritism, or personal feuds within the Interior Ministry.²⁵¹ In fact, the whole of the state bureaucracy was deemed to be in need of some form of discipline and correction, and was largely characterised by authoritarianism and strict rules. These concerned in particular the lower ranks of state employees who were bound by detailed 'codes of conduct'.²⁵² As an example, the Ministry of Foreign Affairs had its own 'code', which was composed of no less than 200 articles. Despite its extensive and detailed nature, this was applied to a relatively small office, where official correspondence was opened by the very Minister in person.²⁵³ In general, the rules were prescriptive in nature. They concerned work and discipline, and imposed many restrictions (e.g. receiving external visitors was severely forbidden), and demanding obligations (e.g. all employees were expected to be in office on Sunday mornings, and to do overtime with no extra pay).²⁵⁴ Still in 1908 there were no fixed working hours, and anyone could be asked to work full time also on a holiday. In the highly centralised and rigid bureaucratic structure, discipline and morality were deemed to be particularly important. Accordingly, the Interior Ministry's code, issued in 1863, introduced personal files for each employee. This would serve to supervisors to record a monthly assessment of their supervisees' behaviour.²⁵⁵ Specifically on employees' conduct,

²⁵¹ It is worth remembering that Beltrani-Scalia was not immune to ministerial infighting himself, and had acrimonious disputes with his predecessor Napoleone Vazio.

²⁵² Giovanna Tosatti, 'Il lavoro di Monsù Travet: l'organizzazione degli uffici pubblici tra Otto e Novecento', in *Le fatiche di Monsù Travet: per una storia del lavoro pubblico in Italia*, ed. by Angelo Varni and Guido Melis (Turin: Rosenberg Sellier, 1997), pp. 45-59 (p. 46).

²⁵³ *Ibid.*, p. 49.

²⁵⁴ *Ibid.*, p. 46.

²⁵⁵ Tosatti, *Storia del Ministero dell'interno*, p. 28.

among the many rules, article 27 commanded 'strict silence in the rooms'.²⁵⁶ Such rules were symptomatic of a desire to discipline and control in a quasi-monastic fashion. If they could not always convey a clear ethical message, they certainly had lasting effects. After serving for many years in such a working environment, an employee could hardly be expected to have kept his character and mind untouched by similar rules. Indeed, the impact on their persons was significant and led to a psychological state of hierarchical subordination, which would have held its force and perpetuated itself beyond the working place.²⁵⁷ We shall see how these particular features, linked to disciplinary rules, were remarkably evocative – tough distinct in juridical terms – of some of the rules to be found in prison. More generally, it reveals that 'moral reform' or the inculcation of a particular discipline, went beyond prisons and involved other areas of society, and the public sector in particular.²⁵⁸

Beltrani-Scalia undoubtedly had a direct experience of such an environment and working ethos. As seen in the previous chapter, he had a long career as a civil servant, and worked in different branches of the state bureaucracy. It is no surprise therefore that he repeatedly emphasised moral reform as a key concern in prison administration. As previously pointed out, political patronage brought with it corruption on a larger scale, and Beltrani-Scalia, as an experienced prison administrator, knew that corruption had a pernicious effect on inmates.²⁵⁹ Logic would dictate that it would be necessary to first 'moralise' the state bureaucracy in order then to engage in the moral reform of inmates. However, and despite being a well-established prison inspector and a close collaborator of Francesco Crispi, Beltrani-Scalia had no power to reform the state bureaucracy or to steer the reform according to his own personal views, and even less so to prevent political interests from influencing the DGC. Nor he could reorganise the entire prison complex autonomously and outside the broader context of the justice system. Thus he tried to focus as much as possible on the only area upon which he allegedly enjoyed the greatest power and authority: prison discipline. Beltrani-Scalia wanted to make prison discipline uniform according to a specific set of rules that were to be

²⁵⁶ *Ibid.*

²⁵⁷ Tosatti, 'Il lavoro di Monsù Travet', p. 53.

²⁵⁸ Indeed, the idea of moral reform spread out to areas of Italian culture and society that had no links with the penal sphere. As an example, it was claimed that opera was in need of reform in order to 'moralise' it.

Simonetta Chiappini, 'From the People to the Masses: Political Developments in Italian Opera from Rossini to Mascagni', in *The Risorgimento Revisited: Nationalism and Culture in Nineteenth-Century Italy*, ed. by Silvana Patriarca and Lucy Riall (Basingstoke: Macmillan, 2012), pp. 56-76 (p. 62).

²⁵⁹ Beltrani-Scalia, *La riforma penitenziaria*, pp. 286-287, 291.

enforced throughout the nation. The supposed beneficial effects of the reform would therefore be spread equally, as was seen fit for the project of social remaking and nation-building. Thus the GPR was Beltrani-Scalia's main legal instrument to reshape prison discipline and inmates' character. In the general context of moral reform, as mirrored in the 'codes of behaviour' that dictated life and work inside the state machinery, the prescriptive regime created with the GPR was expected to act as an antidote to immorality and indiscipline. As discussed in the introduction, inmates were often regarded as amoral *apriori*, therefore the prison population, more than any other section of Italian society, became the most urgent target of a particular type of 'moral reform by coercion'.

1 – The General Prison Regulations: Compliance, Violation, and Punishment

Following the issue of the penal code in 1889 and the end of the regional and fragmentary nature of penal law in the peninsula, the opportunity arose for the creation of national standards in prison administration. Thus in 1891 the government issued a lengthy and detailed document on the management of penal institutions to be enforced throughout the nation. As it is apparent from prison registers and official correspondence, the General Prison Regulations were extensively applied by prison governors and central authorities.²⁶⁰ These formed therefore the basis of prison management, and represented a remarkable and unmistakable attempt to regulate prison administration and to strengthen and standardise behavioural control over inmates. We shall therefore turn our attention to the GPR in order to discover whether this was conducive to prisoners' rehabilitation. We shall find out what the principles and ideas were that prisoners should conform to and whether these could help them achieve successful reintegration into society. This will clarify the fundamental ideas on prisoners' rehabilitation which shaped the prison system in the last decade of the century. It was in fact in the interest of government and central authorities to strengthen control over the prison population and, in particular, of the 'dangerous classes' at a time when the liberal state was grappling with the rise of social unrest and political radicalism. In such a context, in

²⁶⁰ Henceforth referred to as GPR. In *Gazzetta Ufficiale del Regno* n. 138, 15 June 1891, Royal Decree n. 260.

which the prison regime was carefully designed to change people's behaviour, we shall then look at inmates' responses to the so-called 'moral reform'. As previously seen, this was a term commonly used by contemporary commentators and prison reformers whose views often stressed the masses' 'lack of morality' as a major obstacle to rehabilitation, social progress and national development. It was necessary therefore to tackle this 'deficiency' in order to pave the way for a successful process of nation-building.

Its 891 articles (almost twice the size of the penal code itself) were supposed to cover every single aspect of the life of inmates, ranging from education and work, to personal hygiene and religious assistance. With painstaking attention to detail Beltrani-Scalia sought to create a prison system regulated with accurate precision in order to reform what he called the 'dregs of society'.²⁶¹ As previously mentioned, the regulations reflected in many ways the views and concerns of the state administration and, in particular of its chief author. In this context, it is not surprising that the GPR would start with an emphasis on moral standards among prison officials and would stress the role of staff who were responsible for 'giving the example'. It was indeed the prison governor's duty to serve as an example of righteousness and integrity, and this should be reflected both in office as well as in his private life, for only through good example 'respect could be attained' (art. 65). The governor's probity, together with his ability to 'search into inmates' moral character', should serve as the guidelines for a fair and correct management of the penal institution. So that prisoners would learn that the institution was ruled according to 'fairness and impartiality', and not bias and arbitrariness (art. 67). The emphasis on morality, as in the state's 'codes of conduct', would emerge in many ways throughout the regulations. Reflecting the moderate liberals' belief that morality in the public sphere led to good government, it seems that all problems of the penal system and life in prison could be solved or somehow mitigated by 'morality and good behaviour'.

In this context, education and religion provided the prison administration with some important instruments to reshape the character of inmates and change their behaviour. Thus, according to article 398, all prisoners between twenty-one and twenty-five years old had to attend school. Older prisoners might be granted access to school as a reward for good behaviour only (art. 382 – f). Education could of course become a means to achieve

²⁶¹ Beltrani-Scalia, *La riforma penitenziaria*, p. 7.

rehabilitation and equip prisoners to seek a better life after release. It was therefore a progressive feature of the new regulations, and in fact prisoners did attend school. For lack of documents, however, it is hard to say how extensively article 398 was actually enforced at the national level. On the other hand, we do know what prison school was mainly about. In fact, article 399 established that the programme for inmates should be the same as the national curriculum for the primary school. Fighting illiteracy seemed to be among the main goals, and many prisoners who were illiterate may have benefited from it. For the purpose of the present study however, we shall go beyond the simple observation that some schooling was provided in gaol, since our main concern at this point is to understand whether the new regulations were conducive to prisoners' rehabilitation. Perhaps more importantly, we shall elucidate what was meant by rehabilitation or 'moral reform' in the government's discourse.

The content of the school programme is therefore a significant aspect to clarify the intentions underpinning the reform. As mentioned above, the elementary school programme was adopted for prisoners' education. At that time public education for children was based on the 1859 Casati Law and put great emphasis on obedience and self-restraint. Deference to social hierarchy and state authorities, together with the cultivation of a thrifty way of life, were portrayed as core values for a healthy society. Text books presented pupils with countless examples of a resigned acceptance of hardship and dutiful respect for state institutions, whilst warning against subversion and political radicalism.²⁶² The ideology of forbearance and obedience formed therefore the core of public education and, as previously seen, was introduced more widely, reaching the state bureaucracy through the 'codes of conduct'.²⁶³

In this ideological climate Beltrani-Scalia asserted his belief that self-sacrifice and discipline were the only remedies for the ills of the time. Accordingly, 'lack of willpower' would be the main reason people committed offences. Hence the ultimate goal of incarceration should be – in his words – 'to regenerate the guilty man for its own sake, by strengthening his willpower'.²⁶⁴ In significant ways this matched the kind of endurance preached in public

²⁶² Giuseppe Ricuperati, 'La scuola nell'Italia unita', in *Storia d'Italia: I documenti – 5*, 2 vols, ed. by Ruggiero Romano and Corrado Vivanti (Turin: Einaudi, 1973), II, pp. 1695-1736 (pp. 1705-1706).

²⁶³ Such an ideology showed its force also in contemporary children's books, most noticeably in *Cuore*, by Edmondo De Amicis (Milan: Treves, 1886) and *Le avventure di Pinocchio*, by Carlo Collodi (Florence: Paggi, 1883). For an English version with comments of the latter see Carlo Collodi, *The Adventures of Pinocchio*, trans. by Ann Lawson Lucas (Oxford: Oxford University Press, 2009).

²⁶⁴ Martino Beltrani-Scalia, *Sul governo e sulla riforma delle carceri* (Turin: Favale), 1867, p. 8.

schools and in children's books. Moreover, Beltrani-Scalia would reframe this notion of discipline as a kind of 'antidote to socialism'.²⁶⁵ That was in fact the political meaning of 'moral reform', a term which appeared so frequently in the contemporary debate among penologists and state officials. Despite the conditions of poverty and malnutrition known to many inmates, this should not prevent them from obeying, if they were given the 'right dose of willpower'. Thus, according to this view, the problem did not lie in destitution or in the unfair distribution of wealth and power in society. Nor was it related to 'biological degeneration'. The problem was that the poor succumbed to temptation for lack of 'grit'. Thus by hammering into inmates ideas such as endurance, obedience and self-restraint, the state showed its intention – though perhaps a rather naive and hypocritical one – to secure control by discipline in a society wherein the majority had not been integrated into the nation's political and institutional framework. Penal institutions thus appeared to be the appropriate place where regular 'injections of tenacity' and anti-socialist education could be given to the poor through prison discipline. At this point it is worth noting that, in the prison context, the term 'education' can be misleading since the word, which derives from the Latin *educāre*, originally meant 'to lead out'. In this sense, prison education might seem a paradox, because what inmates were taught was far from leading them out from that narrow view of the world and society. In fact, it sought to reinforce the condition of political submission and resignation of the popular classes which had been laid down by the moderate liberals. Education, however, can be interpreted in a modern fashion as 'training'. Thus in our historical context education can be understood as 'drilling' or 'preparing' (to endure) a particular way of life or to behave in a specific way.

Besides the ideological content of education, school attendance constituted a further occasion for the actual enforcement of prison discipline and punishment. As an example, a prisoner who got reported twice for 'poor attention' at school would spend fifteen to thirty days under the bread-and-water regime and be forced to wear a straitjacket.²⁶⁶ Thus insufficient attention to the ideological 'straitjacket' could well lead to a real one. Whether the threat of harsh punishment was didactically counterproductive, or was effective in keeping prisoners alert, is hard to say, but we can only imagine the psychological state of one

²⁶⁵ Beltrani-Scalia, *Memorie storiche*, p. xlvii.

²⁶⁶ Art. 332 'e', 359 'c', 363.

attending school in such circumstances. It is more likely, however, that rules of this kind undermined the very idea of 'moral reform', making it more difficult to accept notions of obedience and willpower as core values for a better life.

It is worth noting here that the way schools were regulated by the GPR is revealing of the moderate liberals' attitude toward the lower classes, and their understanding of the prison as a means to achieve rehabilitation. Unlike in the Foucauldian parallel of prisons, schools, and monasteries, which tends to assign them corresponding disciplinary functions and methods, the school in particular can offer us an opportunity to make a distinction and clarify what in theory might seem a coherent principle. As pointed out by Émile Durkheim, punitive regimes for the purpose of fostering discipline fail because the 'process of punishment robs the offender of the sense of pride and moral self-respect which self-discipline requires'.²⁶⁷ By contrast, in institutions such as monasteries and schools, cooperation to achieve discipline is assured by the fact that, at least to some extent, students and monks will share the goals of the institution. This prevents the institutional regime from having to rely on punishment to achieve its goals. In general, this circumstance characterised by common goals is absent from prison. In our historical context, however, the school could have been the site for the creation of common goals, and the lending of a meaningful purpose to discipline.²⁶⁸ Yet, the harsh regime created with the GPR and imposed on inmates attending school deprived it of its intrinsic qualities and potential to persuade and to foster discipline. It presupposed the notion that inmates were incapable of adhering to what was probably the only meaningful discipline – for the purpose of education – that had clear beneficial goals, and hence could plausibly be shared by the majority. Perhaps that was the only realistic measure to gauge the potential of the penal system to win over reluctant or sceptical prisoners. That could have been the first concrete step to coopt them into the moderate liberals' ideology. But the authorities deemed inmates to be unfit anyway. It was therefore a missed opportunity to use education to persuade inmates to adhere to discipline. In this case, the use of the straitjacket in school is not a confirmation of the Foucauldian parallel. Rather, it shows that the Italian authorities failed to grasp the potential of education as a disciplinary tool, and their lack of appreciation of the human nature. Underlying it all, in the authorities' assumptions, lay the deep-rooted

²⁶⁷ Garland, *Punishment and Modern Society*, pp. 171-172.

²⁶⁸ It is important to notice here that we are discussing the purpose of discipline in prison, and not the penal sentence issued for a particular instance of law-breaking.

belief that the prison population was constituted of a mass of unreliable, amoral, and worthless individuals. They were – in Beltrani-Scalia’s own words – the ‘dregs of society’.

School should have been an opportunity to engage inmates in a constructive project of rehabilitation for life after release. It should have focused on improving literacy and numeracy, providing vocational training, and preparing prisoners for the future. It would have been necessary to adopt a forward and progressive approach, thus proving in concrete terms that there was a real desire to reintegrate prisoners in society. Instead, it became an instrument to reinforce the authoritarian nature that pervaded the DGC as well as the state apparatus. It contradicted the principles of reform, whilst lending credibility to the view that discipline could be attained only by force and not through cooperation and a positive programme of rehabilitation. Thus the kind of ‘moral reform’ envisaged was undermined by the very methods used to bring it about.

Although for various reasons many inmates may have been prevented from attending school, this kind of education as discipline to obey and endure was widely conveyed through other means, not least by religious teaching and prison regulations. In fact, the great stress put on the need to inculcate obedience into inmates was largely reflected in the GPR. On this point, article 250 in particular was uncompromising: inmates were supposed to ‘obey immediately and without comments’. The idea embedded in article 250 was one of prompt response to a command and resembled a form of conditioning training. Failure to respond within the prescribed time frame entailed some form of punishment. This went beyond the concept of obedience itself, since the potential failure to meet the time requirement could not reveal the inmate’s intention in relation to the order given. An inmate could, for example, be slow to respond because of illness. Yet, from the institution’s viewpoint, whether to obey promptly or not was beyond question. ‘Making comments’ led to further punishment and reinforced the unfairness of article 250. On account of health problems, malnutrition or age, not all prisoners were always able to comply. As pointed out by Guglielmo Curli, former director of the Poor House in Reggio Emilia and well acquainted with the prison environment, it was also discriminatory because it took no account of mental health problems, thus punishment was meted out ‘as if all convicts were in full command of their faculties’.²⁶⁹ Given its

²⁶⁹ Curli, *Le nostre carceri*, pp. 5-6.

uncompromising nature, it could be argued that article 250 was never really enforced by the letter. But the prison registers tell a different story, and too many examples of punishment for 'late obedience' show that the rule was enforced though it could not really make a prisoner's responsiveness as quick as it was seen desirable by the prison authorities. Thus between September 1898 and February 1901 in the Senigallia Penitentiary 11.2% of the prison population was punished at least once for violating article 250. This was in a context where 81.5% were registered as ill at admittance, whilst 39% died in prison.²⁷⁰

The goal pursued in this case seemed to be the training of inmates for quick and unconditional reflex responses when given an order, whilst placing prison officials in a position of unquestionable power. This method may resemble the disciplinary programmes described by Foucault for the reform of school and army, and the instruction of work-men in France since around the seventeenth and eighteenth centuries. It was supposed to discipline the work and activities of individuals in what was imagined as a machine-like society. Thus people would work according to specific rules, as cogs in a machine for the achievement of maximum efficiency.²⁷¹ However, as discussed in the introduction, this kind of discipline did not fit the social and political project of Liberal Italy, whose political elites showed reluctance to promote modernisation and feared the potential consequences of industrialisation. Moreover, it is worth noting that unlike in the factory, the school, or the army, in prison this kind of 'efficiency-driven discipline' lacked any logical justification outside the prison's own mechanisms of coercion, and hence it lacked the basic motivation to facilitate its reception by inmates. It seems, therefore, that such rules aimed at subjugating the prison population and crushing one's power to resist. Indeed, punishment was meted out not because of indiscipline or disobedience, but because of an *alleged lack of promptness*. This gave warders and shop masters almost limitless power since they were virtually the only judges on the ground to assess whether an inmate was quick enough to respond to orders or, otherwise, to put down his name on the disciplinary register. The rule left therefore ample room for abuse of power and arbitrariness.²⁷² On the other hand, it seems less clear how such training could help inmates' rehabilitation, unless we admit that passive obedience was deemed to be a

²⁷⁰ See appendix II (2).

²⁷¹ See Foucault, *Discipline*, pp. 164-167.

²⁷² It is worth noting that it may have put some warders in a difficult position too. This was because it forced those who were reluctant to enforce strict discipline to make judgements that were unfair and bound to foster conflict. For the role of warders and their relations with inmates see chapter four.

fundamental ethical precept which prisoners should take with them when returning into society. Thus this kind of training would be in keeping with the aforementioned ideological principles underpinning primary education. Together they would have sown the seeds of a society characterised by a non-active and acquiescent electorate, whilst fostering sentiments of submissiveness and obedience in the poor and the working classes. This is not to suggest that there was any kind of coordinated policy linking public education and prisons, but it does indicate, however, that a common ideology of obedience, forbearance and resignation aimed at social control lay at the heart of the social and political project of Liberal Italy. Furthermore, such beliefs did reflect the reluctance of the moderate liberals to incorporate the masses into the political life of the nation.

Indeed, a rhetoric of obedience was further elaborated in the prison readings. Obedience in prison was correlated to the dutiful obedience children ought to have towards their parents.²⁷³ Such an analogy was clearly problematic, since it sapped the bases of the masses' political and social emancipation. In this connection, obedience was put into a wider social context, wherein the poor and labourers were portrayed as vulnerable and in need of protection (like children). They should therefore harbour feelings of benevolence towards teachers, managers and the wealthy. It was their duty to obey regardless of the harsh or unfair treatment they may sometimes receive. Thus the poor, pressed by material constraints, should remain loyal to the ruling classes and obey without complaining or finding 'excuses' to eschew their duties, because they needed help from the wealthy in the struggle for survival in the modern world.²⁷⁴ The political significance of such ideas are not unfamiliar in the context of the Risorgimento. This kind of paternalistic social order was very much in line with the social and political project defended by men such as Petitti di Roreto, Bettino Ricasoli, and Francesco Carrara. It was the moderate liberals' formula of 'modernity without revolution'. Of course modernity was to be interpreted in their own terms, but this only begged the question on how the country would move forwards without integrating the masses in the national project. As suggested by Paolo Greppi on the eve of the French invasion, there could

²⁷³ Giuseppe Miccoli, *Il libro del prigioniero. Letture per i detenuti ed i ricoverati negli stabilimenti carcerari e riformatori del Regno* (Livorno: Raffaello Giusti, 1900), p. 57. Notions of passive and blind obedience can also be seen on pp. 105, 111, 164.

²⁷⁴ *Ibid.*, pp. 59, 60.

be no realistic expectation of patriotism from the popular classes if the latter were given no compensation for the struggles to build the nation and to provide for its defence.

The prison authorities, however, were alien to such political considerations and continued to adopt unreservedly the paternalistic principles dear to Carrara and his peers. Furthermore, obedience as a core principle in society was extended to those belonging to the ranks above prisoners. From warders up to prison governors, all had to 'obey orders'. In this case, however, the concept of obedience was presented to inmates as a pre-emptive defence in order to justify the shortcomings of the prison system and to exempt prison officials from responsibility.²⁷⁵ Thus inmates had to 'understand' the latter, because of their subordinate position in the hierarchy of state bureaucracy and prison administration. Prison governors and chief warders had to enforce rules they did not always approve of.²⁷⁶ It seemed therefore that the ultimate responsibility for conditions in prisons lay somewhere in the higher spheres of power, amidst political interests and career ambitions, bureaucrats and governmental offices. Prison staff were at the bottom of the ladder, and could do little to improve conditions. Prison governors were often 'victims of jealousy, hatred and rivalry' inside the administration. The text was referring to the ministerial infighting and patronage we have seen previously. However, it went further and turned a problem that concerned solely the state bureaucracy into a justification for the prison's shortcomings and inmates' troubles. Indeed, the rhetoric of 'it is not our fault' went as far as to beg prisoners to be understanding and show sympathy towards prison governors because they were 'persecuted and had to endure all sorts of injustice'. In comparison, thus the argument goes, prisoners would have actually enjoyed a better position, since they had legal instruments provided by the state to pursue their rights, such as the court of appeal, whereas prison governors who were caught up in the ministerial feuds had to fend for themselves without any support from the state.²⁷⁷ Thus inmates should try to alleviate the latter's pains by cooperating, namely by obeying and quietly complying. This official rhetoric conveyed the image of a 'carceral situation' in which all got trapped in,

²⁷⁵ Conformity and unreserved obedience were conveyed as general principles to be applied to the nation as a whole, thus exempting the ruling classes from political responsibility. See the example from Pirandello's work at the beginning of the present chapter.

²⁷⁶ Miccoli, *Letture*, pp. 227-228.

²⁷⁷ *Ibid.*, pp. 211, 212. Needless to say that it was a deceptive argument since the large majority of inmates lacked the basic means to apply to high courts. As a minimum condition they would have needed a good lawyer.

but ironically, inmates were depicted as enjoying a better position than prison governors. It is hard to believe that such a discourse would have enjoyed any credibility among inmates. On the contrary, it may well have reinforced perceptions of incompetence, injustice and the emptiness of the prison moral rhetoric.

Of course, the ultimate resource to enforce compliance was the threat of punishment. In keeping with the idea of progressive punishment, a gradual increase in harshness was thought to be the most effective way of persuading inmates to comply. Thus, as an example, an inmate who breached article 250 for the first time would receive a 'warning'. Then punishment would increase in severity if repetition of the same violation occurred, and could lead to the straitjacket in a 'punishment cell' and the bread-and-water regime for fifteen up to thirty days.²⁷⁸ Disobedience during punishment could certainly aggravate one's situation, leading to the 'dark cell' with the straitjacket (or chains) and the bread-and-water regime, or finally, to the 'isolation cell'.²⁷⁹ The latter was the last stage in a process of progressive segregation, with a sheer intensification of one's loneliness and vulnerability. It was 'a prison within the prison'.²⁸⁰ In some cases punishment in isolation could last for months. It is worth noting that such forms of punishment allowed no exceptions and concerned the whole prison population. As long as a prison doctor made no objections, the chronically ill and pregnant women would receive the same treatment.²⁸¹ 'Reduced diet' meant a further reduction in the already meagre and often poorly prepared meals. On the other hand, the infamous 'bread-and-water' regime might well lead to starvation and inanition since bread was not always edible and water was not always clean or available.

Nonetheless, the figures in the prison registers show that the large majority still did not comply. As an example, among the inmates present in Senigallia between September 1898 and October 1899, 75.5% had been punished at least once for breaching the rules. In fifteen cases (10%) there was a direct breach of article 250, whereas instances of 'failure to obey orders or authority' amounted to 30.5%. The reluctance of the prisoners to obey or failure to

²⁷⁸ GPR, art. 332, 359-363.

²⁷⁹ *Ibid.*, art. 332, 364, 365.

²⁸⁰ De Vito, *Camosci*, p. xii. De Vito's study included a survey of the architectural features of a number of penal institutions, including those of Florence, Turin, Milan, and Rome. Amongst them, I have visited *Le Nuove* (decommissioned) in Turin. There the underground cells used for the isolation of inmates had no windows and lacked any light or ventilation system.

²⁸¹ GPR, art. 357.

stick to the rules led to a total of 6,285 days of punishment (an average of 41.6 days per prisoner). Among the inmates present in the following two years, up to February 1901, 83% had been punished at least once. Breach of article 250 occurred thirty-seven times (22%), whereas instances involving open disobedience amounted to 29%. The violations committed led to a total of 6,335 days of punishment (38.4 days on average per prisoner).²⁸² Thus, considering such figures, the rhetoric on obedience backed by strict rules and progressive punishment seemed less than effective in bringing about compliance, and inmates' responses to prison discipline ran counter to expectations. Perhaps the kind of conditioning training that some articles entailed was less than successful because, unlike in other disciplinary institutions, the regime created by Beltrani-Scalia could hardly convey any meaningful purpose related to it. This lack of a valid purpose was further compounded by the high frequency of punishment and its gradual increase in severity. Whilst failing to give any positive meaning to discipline, it tended to wear prisoners down and inure them to the hardships of punishment, thus blunting its power to enforce compliance. Indeed, recurrent punishment was a direct result of the many meticulous and rigid rules of the GPR. That such a regime of frequent punishment was ineffective was acknowledged by officials on the ground who struggled between the normative nature of the GPR and the practical issues of everyday management. Federico Forni, prison governor in Modena, observed that many inmates who had been punished 'countless times', had not improved at all. On the contrary, their 'moral conditions' got increasingly worse.²⁸³ This proved that frequent punishment was counterproductive and, in accordance with Durkheim's theory on the ineffectiveness of punitive systems, the methods used actually hindered the enforcement of discipline.

As seen in chapter one, given the conditions of confinement, breaching the rules on many occasions seemed almost unavoidable. Yet, building faults, poor sanitation and scarce resources cannot explain all cases of violations. In fact, we should peruse the GPR more thoroughly in order to find further reasons for disobedience. In this sense, it is worth remembering that some rules put inmates in a nearly impossible position. Perhaps the most glaring example of this can be seen in article 260, which forbade inmates to use words or expressions 'incomprehensible to warders'. As seen previously, around half of the prison

²⁸² ASR, b. 238, 343. See appendix II (2), 'Punishment in prison'.

²⁸³ Curli, *Le nostre carceri*, p. 32.

population was illiterate, with only a tiny minority having gone any further than basic education. Considering the gaps in public education and the contemporary levels of illiteracy at the national level, particularly high in rural areas, it is unlikely that most prisoners were able to consistently express themselves in standard Italian. Instead, most of them may have found it difficult to avoid using their local dialects. This was probably the case with Angelo Toffrida, a thirty-one year old shepherd from the Greek-Calabrian-speaking village of Roghudi, in the Aspromonte mountains. He was punished on 14 February 1897 in the Viterbo gaol for his ‘incoherent’ and ‘rambling words’. He spent five days locked-up under the bread-and-water regime for allegedly failing to communicate effectively. Although no absolute certainty can assure us of the reasons for every instance of punishment, it is plausible to imagine that communication between the Roghudi shepherd and the guards in Viterbo was considerably hampered by language barriers.²⁸⁴ Given his social background, work, place of birth and domicile, it is unlikely he had a good command of Italian. On the other hand, this might have been true of his own guards too, though they would have been at least well acquainted with the institutional vocabulary required to fulfil their daily duties. Up to November 1898 Toffrida would suffer a total of sixty-one days of punishment, and the evidence suggests that his poor language and communication skills helped to contribute to his disciplinary track record. Indeed, he was well above the average of days of punishment per prisoner. On the other hand, and considering the social background of most inmates, it is fair to say that Toffrida was not alone in his predicaments, and other similar cases may have filled many cells across the country.²⁸⁵

Likewise, the GPR prescribed a ‘ban on incomprehensible language’ during conversation with visitors in the meeting-room, and in written communication, including letters to one’s family.²⁸⁶ Once more, it is hard to imagine how, in Umbertinian Italy, a rural worker who had been arrested would be able to communicate with his relatives under such rules. Of course not being able to understand what inmates said or wrote could undermine security, and it seems that was the main reason underpinning such rules. On the other hand, such practical difficulties revealed some of the hindrances that stood in the way of modernisation. In trying

²⁸⁴ ASR, b. 238, m. 140.

²⁸⁵ Here one may ask whether it is legitimate to punish someone for not having good command of the official language of the state.

²⁸⁶ Art. 311, 320.

to solve them, the central authorities devised punitive measures in order to prevent communication that could allegedly jeopardise security. For inmates with poor command of Italian, however, the most immediate result was punishment, and it is not hard to imagine some of them would be baffled, at least initially, by the result of their actions. Even more mystifying could be an attempt to connect the resulting punishment with an idea of moral reform. Perhaps such norms inadvertently led to an improvement, though narrow in scope, in inmates' language skills, which could, in turn, be useful after release. This, however, is virtually impossible to assess and, even if true, was more the result of a wider process of modernisation of Italian society, rather than the outcome of a coherent policy aimed at reintegrating prisoners into the national community.

If we combine the above-mentioned article 260 with article 316, which regulated censorship of all prisoners' correspondence in and out, we may perhaps gain a better understanding of how difficult it was to communicate with the outside world.²⁸⁷ Despite the official declarations highlighting the importance of keeping alive the bonds with one's family, which may have created better conditions for future reintegration, prison regulations did little to facilitate it. Moreover, the risk of punishment for breach of rules remained an ever-present threat as stated in article 324. Thus language barriers, together with strict rules on communication, may help us understand one of the most common violations which constituted a response from inmates to the difficulties they encountered with communication. Considering all prisoners in Senigallia who had been punished between September 1898 and October 1899, 24.5% of the cases involved at least one instance of violation of such rules. In the following two years the figures rose to 28.5%. Given that specific rules also forbade communication between inmates, or put severe restrictions on it, it is probable that these figures also included attempts at communication among prisoners.²⁸⁸ Often prisoners were punished multiple times for breaching communication rules. As an example, inmate number 444 was locked up for forty-seven days under the bread-and-water regime for engaging in 'forbidden communication' eleven times in Rome between April 1898

²⁸⁷ Censorship of correspondence would be officially abolished in 1975, but the new rules would not always be observed. See Melodia, *Carceri: riforma fantasma*, pp. 132-133.

²⁸⁸ Art. 252, 253.

and February 1900.²⁸⁹ As Forni observed in Modena, unremitting punishment seems to have had little effect to improve discipline.

Other rules also helped create circumstances which considerably raised the chances for the occurrence of violations. Non-compliance, as a prevalent feature, was due partially to the shortage of personnel, but also to the constant attempt to watch and control every single moment of prisoners' lives and behaviour. As an example, article 251 prohibited any inmate from moving unless escorted by guards. Very often the prison administration made use of inmates for the performance of different tasks inside prison buildings, whilst many prisoners had to move during daytime as part of the institution's daily routine. In chronically understaffed prisons it was not unusual that overburdened guards simply could not perform all their duties according to the regulations. This allowed for the creation of 'empty spaces' wherein inmates would move unwatched. Although we cannot exclude instances in which an inmate would seek deliberately to breach the rules, it was also the case that internal services had to be carried out, and not all movements could be overseen by guards without overstressing their workload beyond a breaking point. Such inadequacies gave birth to 'grey areas' in relation to discipline, thus leaving potential room for different levels of compromise. This could be for the sake of functionality, or just because both prisoners and staff understood it made no sense to always stick to particular rules. Should an inmate working in the storeroom, for example, just walk back to his cell at the end of his shift, or should he wait indefinitely for his constantly late escort, a prison guard overburdened by more urgent tasks? Of course there could be no clearcut answer to such a question in the over-prescriptive prison environment. Sometimes it might be that nobody would bother, since it was a well-known fact that guards were too busy with surveillance duties, on patrol, or dealing with paperwork. Warders might turn a blind eye and a more accommodating prison governor, conscious of the faults of the system, might simply tolerate minor infringements. Yet, there was always the risk of punishment if circumstances changed and the enforcement of rules had to be tightened up. Once again punishment would follow, but no obvious reason seemed to suggest how this could lead to any kind of 'moral reform'. Indeed, this very instability in the enforcement of prison discipline, together with its relative unpredictability, suggested that

²⁸⁹ ASR, b. 343. Ironically, Beltrani-Scalia would talk with pride about his own methods to evade censorship and rules on communication while in prison as a young revolutionary in pre-unification Italy; see Beltrani-Scalia, *Memorie storiche*, p. xxii.

the penal institution was not run according to moral principles, but to more mundane and practical concerns.

2 – The paradox of prison discipline

Considering the persistent rhetoric on ‘moral reform’, such inconsistency could hardly convince inmates of the moral truth of the teachings delivered by chaplains, at school, or conveyed through prison readings. Instead, it may have fostered feelings of insecurity and perplexity. Perhaps more importantly, it may have led most inmates to think prison discipline was not conducive to any kind of rehabilitation, let alone ‘moral reform’. It was more about ‘playing the game’ according to changing circumstances, or learning how to distinguish times of compliance from times of violation. Of course this was no easy task. As we have seen, the figures show that a large majority of the prison population did get punished on a regular basis. Punishment rates went up also because of the many petty and punctilious rules on behaviour, but also because of arbitrariness or what prison staff regarded as ‘inappropriate’. In order to appreciate the subjective, and in most cases unjustifiable, nature of prison discipline, it is worth considering some concrete examples.

On 2 January 1895 Nicola Votino, a nineteen-year-old peasant from the province of Benevento, was locked up for four days with a reduced food ration in Alessandria for ‘ironing his handkerchief without permission’. Pasquale Chiaro, an eighteen-year-old peasant from the province of Cosenza, on 5 October 1898 was locked up for five days in Parma for ‘toasting bread without permission’. Antonio Donato, a twenty-year-old peasant from the province of Catanzaro, on 10 July 1897 was locked up for five days under the bread-and-water regime in Lucca for ‘joking and laughing with another inmate’. A year earlier Donato had received a reprimand for ‘sleeping shirtless’ during summer in a Tuscan prison.²⁹⁰ Such instances of punishment could hardly be justified by security measures, and less so by the idea of ‘moral reform’. They could only be justified as a form of retribution that existed within the prison

²⁹⁰ ASR, b. 238, mat. 131, 186, and b. 343, mat. 491.

universe and its non-sense rules. They lacked any meaningful connection with rehabilitation, human improvement, or with the outside world.

In some cases the conditions were intolerable and these were compounded by the rigidity and irrationality of the GPR. As an example, prisoner number 173, a thirty-six-year-old peasant from the Caserta province was punished several times in the Lucca Penitentiary for talking or failing to observe the rules of silence. On 17 June 1896, despite being chronically ill, he was still punished with five days of reduced diet because he had 'asked the same question twice'. This was following a period of three years in isolation. Number 173 died on 15 December 1899 for 'unknown reasons'. Giuseppe Musmanno, a twenty-one-year-old blacksmith from the Cosenza province, was punished with fifty-eight days (including the 'bread-and-water' regime) in the Castelfranco Emilia Penitentiary for basically the same reasons as prisoner number 173. As the latter, Musmanno had spent three years in solitary confinement.²⁹¹ Though it could be argued prisoners should endure further suffering and hardship in a variety of ways and beyond the loss of liberty, it would be hard to argue that this can make anyone better. It would be consistent with the idea that the goal of prison sentences is retribution, but not with reformatory purposes. It would be hard also to argue that such a system held fairness as a basic principle, since the administration of punishment depended on the observance of rules that bordered on the absurd and were in many cases pointless and futile. Thus in the winter of 1897-98 Giuseppe De Vita, a twenty-nine-year-old peasant from the Salerno province, spent six days in isolation with a reduced diet for 'possession of a non-authorized cap and a towel'. By the way, the six days in isolation must have meant little to De Vita, considering that he had done thirty-six months of SCC, ending on 25 July 1897.²⁹² On 6 July 1897, Vincenzo Benevento, a twenty-one-year-old peasant from the Benevento province, was punished with six days in isolation for 'getting up before the dawn bell stroke'.²⁹³ On 19 November 1899, Pietro Rosci, a twenty-seven-year-old peasant from L'Aquila province, was locked up for four days with a reduced diet for 'giving some soup to a fellow inmate'.²⁹⁴ On 31 July 1899, Ciro Verrone, a twenty-seven-year-old baker from the Caserta province, was punished with three days in isolation and the 'bread-and-water' regime

²⁹¹ ASR, b. 238.

²⁹² ASR, b. 238, f. 14544.

²⁹³ *Ibid.* f. 14586.

²⁹⁴ ASR, b. 343, f. 15168.

for 'illicit jokes', whereas ten days later he received the same amount of punishment for 'trafficking in underwear'.²⁹⁵

In some instances the paradox was so manifest that it must have been difficult for inmates to avoid any sense of perplexity and bewilderment. Thus, despite the GPR emphasised the importance of cleanliness and personal hygiene, and that the prison governor was indeed personally responsible for keeping high standards (art. 69 - g), in the summer of 1901 Giovanni Mancieri, a twenty-two-year-old tinsmith from the Campobasso province, was locked up with reduced diet for two days for 'washing without permission'.²⁹⁶ On the other hand, and despite the belief in its power to rehabilitate, work was not free from contradictions either, and showing too much dedication could lead to further punishment. Thus on 8 September 1898, Antonio Del Duca, a twenty-two-year-old shepherd from the Salerno province, was punished with three days in a cell under the 'bread-and-water' regime for 'working without permission'.²⁹⁷ By contrast, on 26 June 1899, Michelantonio Petracca, a thirty-seven-year-old peasant from the Foggia province, though ill, was forced to wear a straitjacket for ten days in a cell for 'idleness at work'. Considering similar examples, it cannot be denied that in many ways the conundrum of prison discipline as a means to achieve 'moral reform' may have seemed unfathomable for most inmates.

In fact, the resourcefulness of the prison authorities and their prescriptive imagination appeared to be inexhaustible. Be it for some environmental conditions or because inmates fought with whatever means they had to feel alive, the disciplinary gaze strove to intercept and punish every single behaviour, and even the smallest act deemed to be a deviance. Indeed, some cases bordered on the ludicrous. On 9 February 1896 Alessandro Riccadonna, a twenty-three-year-old itinerant knife-grinder from South Tyrol, was incautiously caught by a guard 'dancing'. For this he received a 'fitting reprimand' and his name was put down on the disciplinary register.²⁹⁸ The pointlessness of the warder's action emerges unmistakably from the RMD which makes it clear that Riccadonna was not engaged in any work or activity, but was idle in his cell. Of course these are only a small fraction of the countless instances of violations and punishment that characterised the daily routine of penal institutions

²⁹⁵ *Ibid.*, f. 15174.

²⁹⁶ *Ibid.*, f. 15077.

²⁹⁷ ASR, b. 238, f. 14650.

²⁹⁸ ASR, b. 265, f. 15773.

throughout the country. Nonetheless, they are representative of the futility and irrationality of the rules, which in turn aggravated the oppressive and unhealthy environment inside prisons. It is not possible here to analyse how this influenced prisoner's mental health, but it is very likely that such a regime had a negative impact and went far beyond what was reasonable and necessary for security. Besides the specific examples seen above, instances of punishment for breaking petty rules or for failure to comply with particularly unreasonable or intolerable regulations are innumerable. These included sharing food and cigars, failing to take prison medicine or food, exchanging pieces of clothing, telling stories, 'looking slovenly'. Observance of the GPR was indeed burdensome and wore out both prisoners and guards and, as shown by the examples, for no clear purpose whatsoever. On the other hand, each instance of punishment required of course the intervention of one or more guards thus increasing their workload, and creating further opportunities for conflict and acrimony.²⁹⁹

Yet, the constant discourse of the prison authorities on 'moral reform' added further tesserae to the mosaic of experiences people had in prison. Even if detailed accounts of inmates' experiences are seemingly missing in archives, they did reflect on their exposure to modern prison discipline. Lack of formal education did not mean lack of understanding, and there is strong evidence to show that inmates concluded that the idea of the penal institution as a 'hospital for the cure of moral sickness' was a farce.³⁰⁰ Thus cynicism and lip service became part of inmates' responses to the government's discourse on progress, obedience and moral reform. From the prison writings collected by Lombroso at Le Nuove, mainly graffiti left by inmates on walls and jars, together with notes and tattoos, we can see several examples of irony and skepticism towards the prison system and the whole idea of rehabilitation. Lombroso was a well known figure in the penal circles of the time for his studies in anthropology and his claim that it was possible to spot a 'criminal' by his physical features, such as the shape of his skull. For this reason, Lombroso was keen to collect the heads of those who died in gaol and to keep them in his laboratory. As mentioned previously, Lombroso's research suffered from too many inconsistencies in order to set a new and coherent blueprint for penal reform.³⁰¹ However, and despite his overall scientific failure,

²⁹⁹ The security crisis created by excessive workload in prisons will be discussed in more detail in chapter four.

³⁰⁰ Such terminology and concepts appeared in several contemporary reformers' writings, but also in prison readings, see Miccoli, *Letture*, pp. 162, 166, 223, 225.

³⁰¹ For the inconsistencies of the Italian school of criminology and the methodological flaws in Lombroso's research see Gibson, *Born to Crime*, sp. pp. 20, 23-24, 29-30.

Lombroso made a significant contribution to the history of modern Italy by giving voice to inmates to express their views on prison discipline, penal policies and, more in general, the politics of Liberal Italy. These emerged from the material collected for his studies during Lombroso's time as a prison doctor.³⁰²

Whereas some prisoners mocked the 'era of progress' as the herald of better times by describing modern incarceration as worse than the 'slaughter' perpetrated by the Inquisition, others expressed their utmost astonishment at the corruption that held sway at Le Nuove, a new state-of-the-art prison which was regarded as a model institution by contemporaries.³⁰³ Indeed, the wit of some inmates reached even a leading figure in criminology like Lombroso himself, and mocked his biological determinism as well as the whole theoretical basis of much acclaimed positivist thought of the time. One prisoner initially asked Lombroso for more substantial meals – a pragmatic request to improve health and reduce the prison's death toll – and then went on to make a plea for mercy and 'to spare the heads he so much craved for'.³⁰⁴ Another inmate directed his attack at the ideological bases of the penal system and, in a witty exploitation of social prejudice and class division, stated that 'like God has given us (prisoners) a thief's instinct', the elites were given a 'gaoler's instinct'. Not without humour, the inmate's message conveyed an image of people's roles in society as given and predetermined, and therefore disconnected from any socioeconomic or political evolution. By mocking in particular Lombroso's theory on the 'born-criminal', he extended his criticism to the whole conservative ideology that permeated contemporary Italian society. In his ironical interpretation, he queried the ultimate purpose of modern prison discipline, only to come to a derisive conclusion: 'criminals' and 'gaolers' existed as ahistorical characters created by 'God', who made them inhabit a 'timeless prison' which, free from any genuine moral goal, had no purpose whatsoever but to 'amuse' the world. As ingeniously observed by Giuseppe Zaccaria, the prison was thus turned into a Pirandellian theatre, where each character personified a specific role in society that could not be changed. The inmate depicted

³⁰² Cesare Lombroso, *Palimsesti del carcere: Storie, messaggi, iscrizioni, graffiti dei detenuti delle carceri alla fine dell'Ottocento. Le voci di una realtà senza tempo*, ed. by Giuseppe Zaccaria (Florence: Ponte alle Grazie Spa, 1996), p. 15. Lombroso's work was first published in 1888 with the title: *Palimsesti del carcere: Raccolta unicamente destinata agli uomini di scienza*.

³⁰³ *Ibid.*, pp. 94-95.

³⁰⁴ *Ibid.*, p. 95.

a prison situation as if it were removed from history, and hence was depoliticised.³⁰⁵ Be it for 'biological' reasons (Lombroso) or for their 'inherent amorality' (Beltrani-Scalia) inmates were trapped in a perennial predicament with no exit way. Unless a superior agent intervened to rescue them, in which case the alleged morality and civilisation of Umbertinian Italy could perhaps provide a redemptive solution. This might come through positivism and criminal anthropology (though Lombroso's flawed science made it unlikely); or perhaps a better chance might come from the 'moral regeneration' promoted by Beltrani-Scalia and his reform. However, as previously demonstrated, such 'moral regeneration' belonged to the pedagogical project of the moderate liberals, whose conservatism and fear of the people thwarted a forward-looking reform geared to promote social and political emancipation.

The examples above show that prisoners were far from being all passive subjects, incapable of reflecting on their experience in gaol. They did recognise the ideological disguise that cloaked the irrationality of prison regulations in a moralistic discourse, which in turn legitimised abuse of power and violence. Despite some examples of humour and irony, the reality of prison life was less than safe and far from joyful. As previously seen, it was actually marked by violence, death and disease. The fact that such a regime was then portrayed as aimed at bringing about 'moral reform' could hardly fail to foster feelings of cynicism and sarcasm among inmates. Prisoners, however, were not alone in doubting the authenticity of the reform. Scepticism emerged also among the liberal elites, but for different reasons. Indeed, prison reformers and policy-makers had a sense that most inmates who showed 'good behaviour', as a proof of improvement, might be hiding simulation and hypocrisy. It seems therefore a paradox that obedience to the regulations might raise doubts about the 'sincerity' of one's behaviour. The question then prompted reflection among top bureaucrats and prison reformers. In seeking to distinguish 'genuine' from 'fake' reform and atonement, Petitti di Roreto came to the conclusion that only harsh punishment and severe discipline could unmask 'hypocrites' and solve a question which had stemmed from the bad influences of 'misguiding philanthropy'.³⁰⁶ Whereas Beltrani-Scalia observed that even the 'worst scoundrels' could obtain benefits by simulating good behaviour, Volpicella, on the other hand,

³⁰⁵ Lombroso apparently missed the political message in the inmate's jest, and dismissed it as the 'strange vanity of a delinquent'. *Ibid.*, pp. 26, 87.

³⁰⁶ Carlo Ilarione Petitti di Roreto, *Della condizione attuale delle carceri e dei mezzi di migliorarla* (Turin: Giuseppe Pomba, 1840), p. 5.

whilst praising the progressive system of punishments and rewards, warned against the 'danger of hypocrisy' shown by prisoners in search of a reduction of sentence.³⁰⁷ Later, however, Volpicella remarked that despite these difficulties, and provided that a careful assessment of each case was made, reducing a prisoner's sentence as a reward for good behaviour could be beneficial.³⁰⁸ Also a prominent member of the Socialist Party such as the criminologist Enrico Ferri would give credit to the theory of 'harsh punishment for cheats'.³⁰⁹ Despite one's lesser or greater degree of doubt, it remained a fact that there were varying degrees of scepticism on both sides of the bars.

Thus government officials, prison authorities, inmates, and public opinion were unsure about the principles underpinning prison reform. In this sense perhaps, Asor Rosa was right when he observed that, in their endeavour to build a nation-state, the moderate liberals showed not only their ignorance of the country, but also some naivety.³¹⁰ However, hypocrisy was, in his view, the other side of the same coin. In other words, the expectation that inmates could achieve moral reform by faithfully observing prison discipline was as hypocritical as could be the lip service paid by a prisoner who sought to get points in the progressive system implemented with the reforms. Such a system had been created to encourage compliance with the regulations and within a specific penal environment, and not to foster ethical values per se. In this connection, an inherent sense that the political and moral justification for prison discipline was flawed at its roots was given by article 254 of the GPR. It reminded inmates that it was compulsory to show 'reverential behaviour' to prison officials and visitors. Of course non-compliance led to punishment. Were not - one may ask - the intimidating prison setting and the threat of harsh punishment enough to make prisoners think it was not a good idea to show disrespect to prison officials? Apparently not, hence the need for a good display of 'reverence' had to be codified in the GPR as a reminder that everything, absolutely everything, was the result of commands and prescriptions. Hence there was nothing left to be interpreted as genuine. Thus asking whether prisoners' 'moral reform' was sincere or not was an idle question, and the prison, seen as a 'hospital' for the cure of 'moral sickness', had no reliable means of assessing whether the 'sick' had been 'cured' or not. These ambiguities,

³⁰⁷ Scalia, *Sul governo*, p. 503; Volpicella, *Delle prigioni*, pp. 62-63.

³⁰⁸ Volpicella, *Delle prigioni*, pp. 169-170.

³⁰⁹ Ferri, *Lavoro e celle*, pp. 20-21, 42, and passim.

³¹⁰ Alberto Asor Rosa, 'La cultura', in *Storia d'Italia 4*, 2 vols, ed. by Ruggiero Romano and Corrado Vivanti (Turin: Einaudi, 1975), II, pp. 821-1664 (p. 928).

however, were exploited by top bureaucrats and prison reformers who called for severity as the antidote to 'hypocrisy'. But 'hypocrisy' (or outward display of discipline and behaviour) had been fostered by the very regime designed to bring about reform. It was therefore a very plausible outcome of the prison system. It fed, however, a vicious circle among policymakers and prison reformers who argued that 'hypocritical' behaviour could only be fought with the traditional weapons of harsh treatment and punishment.³¹¹ According to this line of thought, inmates were never to be trusted because when they broke the rules it was seen as just a confirmation that they were 'scoundrels', whilst when complying, they were suspected of hiding their 'true nature'. The argument was therefore based on prejudice, and thus became a self-fulfilling prophecy about the nature and fate of the prison population. It constituted indeed a checkmate situation, one which prisoners could never escape. It was, as illustrated by the Pirandellian scene at Le Nuove, the criminal-gaolers perennial predicament. Such beliefs, together with principles such as less-eligibility, pushed the case for a harsh prison regime. This further reinforces the argument that it is unlikely inmates would draw any sense of prison discipline as a way of achieving rehabilitation because, according to the very attitudes of prison reformers and top bureaucrats, prisoners were seen as morally inferior and incapable of genuine reform. They were seen as a particular social category whose redemption was doubtful. For many prisoners, the idea of 'moral reform' may have resembled a futile exercise that could exist only within the irrationality of a modern penal institution. On the other hand, the scepticism expressed by top officials and prison reformers reflected the elites' inherent sentiment of distrust of the masses. Whether they were trusted or not, inmates had, nonetheless, to cope with the penal institution and its disciplinary regime. The latter appeared as an end in itself, deprived of any genuine purpose of rehabilitation, and had to be dealt with as best one could.

In this context, it is worth remembering that the notion of inmates as morally inferior was mirrored in the actual conditions of confinement (as seen in chapter one), as well as in penal legislation. As pointed out by Fassone, the humanitarianism of the reform, and the respect for inmates' human rights invoked by Zanardelli, were, to say the least, ambiguous. It suffices to consider that *reclusione*, a type of prison sentence that included one of the largest

³¹¹ This argument was also supported by prominent members of the positivist left, though they tended to blend 'hypocrisy' with biological determinism. See for example Enrico Ferri, *Lavoro e celle dei condannati* (Rome: Libreria nuova, 1886), pp. 20-21, 42.

categories of prisoners, entailed lengthy periods of isolation, which could last for three or more years. It is worth noting here that according to article 247 of the GPR such prisoners would be allowed to walk outside their cells only after the term in SCC was completed. Similarly, all defendants were to be put in isolation, and this would cease only following the order of a magistrate.³¹² Given the proverbial slowness of Italian courts and the inefficiency of the bureaucracy, it was likely that many defendants would have to put up with lengthy periods of segregation, just to be released later for being found 'not guilty'. Thus considering such conditions, together with the principles prisoners were expected to embrace, inmates' responses to prison discipline cannot be understood as a more or less successful attempt at moral reform or rehabilitation. Their responses were heavily conditioned by the circumstances in which they had to live, their behaviour was therefore largely a response to the prison environment which bore little relation to any ethical principles. It was mainly about dealing with and responding to a set of rules in a particular environment. Perhaps with unintended candour, this was acknowledged in a passage of the prison readings, when it was said that incarceration was better to avoid but, once arrested, 'one should *learn how to stay in prison*'.³¹³ The author, who had large experience in prison administration, showed inadvertently his insight into the daily realities of prison life, and the gap that existed between rhetoric and the actual conditions on the ground.

Thus adapting to prison discipline involved also paying lip service, breaking the rules quietly when possible, and perhaps coping with it by taking a sarcastic stance. The fact that prisoners' behaviour changed according to the rules was no more than a natural human response. Building on Norbert Elias' social studies, it is possible to affirm that the adaptation of inmates to prison rules and environment would invalidate the elites' discourse on the alleged amorality or inferior nature of prisoners. 'Behaviour means adjustment to changing situations', and humans, more than any other living creatures, are exceptionally endowed with learning potential and are therefore 'naturally adapted to change'.³¹⁴ Learning and adjusting one's own behaviour was therefore crucial to increasing one's chances in gaol. Thus 'hypocrisy' – regardless of how prison reformers and bureaucrats construed it – was perhaps

³¹² Fassone, *La pena detentiva in Italia*, pp. 39-40.

³¹³ Miccoli, *Lecture*, p. 214 – my italics.

³¹⁴ Norbert Elias, *What is Sociology?*, trans. by Stephen Mennell and Grace Morrissey (London: Hutchinson, 1978), pp. 109, 115.

what allowed prisoners to retake their humanity in the face of dehumanising conditions. In the prison game of 'criminals' and 'gaolers', the former could never escape the checkmate of 'punishment as moral reform'; they could, however, draw on their own human skills to learn from experience and to 'adjust their behaviour correspondingly'.³¹⁵ Contrary to the elites' discourse, their 'hypocrisy' was therefore a mark of their retained humanity. From the examples we have seen, the outcome of this adjustment was more likely to produce a set of skills and behavioural reflexes as tools to cope with the prison universe, and less to have any significant impact on one's abilities to secure a better life after release. Unfortunately, this led to the corroboration of social prejudice and stereotypes. As noted by Fassone, prison discipline and the conditions of confinement reinforced preconceived ideas about the lower classes as subhuman and depraved. Thus the juridical category of 'delinquents' was fused with the social one, and this would be the end product of a penal system that professed moral reform as its ultimate goal.³¹⁶

3 – Religious teaching, and the meaning and purpose of punishment as 'moral reform'

It seems that social prejudice and the scepticism that accompanied it led prison authorities to resort to more traditional means to give a meaning to prison discipline that went beyond pure retribution. This, together with the government's inability to come up with innovative policies to promote concrete instruments for rehabilitation, pushed the DGC towards the more conventional and time-honoured religious motif to convey a meaningful purpose to prison discipline. Once again, it was the classical school taking the lead in shaping the prison system, not the positivists. The obvious appeal to religion utterly contradicted the secularism and scientificism promoted by the positivist school, and especially by Lombroso. This is a further demonstration that although some officials and prison staff may have been attracted to criminal anthropology, thus vulgar and flawed as it was, this was far from being hegemonic in prison management.

³¹⁵ *Ibid.*, p. 115.

³¹⁶ Fassone, *La pena detentiva in Italia*, p. 40.

The use of religious themes appeared in plenty of examples in the prison readings and can be demonstrated by a quick survey of the titles on the prison library catalogue. Most were short works on morality bearing titles such as *Moral Thoughts* (by Niccolò Tommaseo, 1845), or hagiographies of saints and prelates published by religious bodies.³¹⁷ Among these, in particular, Giuseppe Miccoli's aforementioned *Il libro del prigioniero*, published in 1900, was much praised by the prison authorities and the author was indeed awarded a cash prize by the Interior Ministry for his 'endeavours to promote moral reform'.

Religion in fact was expected to play a significant role to support prison discipline and to help prison management. In this sense it is worth noting that most of the discourse about why inmates should obey and endure appalling conditions was based on a religious rhetoric of 'redemption', which tended to dismiss the current state of affairs to focus on a happier future composed of freedom and justice. In other words, it tended to dismiss the human rights that Zanardelli had talked about at the issuing of the new regulations. This 'happy future', however, was to be achieved in the afterlife only if one proved capable of forbearance and resignation. Because fair and humane treatment could not be secured on earth, then hope should be placed in the spiritual world and God's power to deliver ultimate justice. In fact, the prison readings were backed by a continuous narrative of the human existence as an ineluctable fate of trial and misery. Man was portrayed as a victim of the world's injustice, a being born to suffer and endure.³¹⁸ Not surprisingly, the book opens with the powerful figure of Jesus Christ as the friend and champion of the poor and the downtrodden masses and, of course, of prisoners. Faith in God and resignation permeate the book throughout, and explicit references are made to 'hope in better times in the afterlife', as if time in prison should be a spiritual preparation for death, not release or rehabilitation.³¹⁹ There appeared a further paradox in prison discipline and its ultimate purpose. Although it is clear that the GPR had been thought of as a means to achieve inmates' rehabilitation – earthly rehabilitation – such eschatological rhetoric tended to deny the very reason that was supposed to give meaning to, and to legitimise, prison discipline. Rehabilitation, or 'moral reform', if it was ever to be achieved, seemed to belong to the afterlife. Moreover, this also makes problematic a

³¹⁷ Most of them are little known and have not been preserved in public libraries, e.g.: Maurice Arpaud, *Vita del servo di Dio monsignor Giusto Guerin* (Milan: Tip. Arcivescovile, 1859); A. Bayer, *Il dubbio proposto a Maria: Visione* (Turin: Marietti, 1827). For the complete list see Lombroso, *Palimsesti del carcere*, pp. 327-328.

³¹⁸ Miccoli, *Lecture*, pp. 68, 192.

³¹⁹ *Ibid.*, p. 2.

Foucauldian interpretation of modern penal systems. The idea that prisons should create 'machine-men' for an industrial society becomes untenable when authorities deliberately ignore the social value and economic potential of the prison population. In our case study, the eschatological rhetoric implied that inmates had no reason to hope for an earthly redemption, not even if that meant to surrender to a life of economic exploitation in the factories of a ruthless capitalist system.

Faith in God's power to deliver justice, however, should not only give solace and moral support for prisoners. As mentioned above, only through forbearance and resignation could one secure 'entrance to heaven'. Instead, for those contemplating suicide, there would be no mercy but only 'God's wrath'.³²⁰ Besides punishment in the afterlife, suicides were to be condemned as 'ungrateful' individuals who failed to appreciate the 'nourishment and protection' they received from society. Considering the standards of living of many rural workers and the urban poor, and the lack of state-sponsored welfare, the reprimand verged on sarcasm. Moreover, suicide was defined as a kind of 'moral madness', and people who took their own lives were compared to 'deserters' who cowardly gave up the struggle. Thus they deserved to be punished by divine justice and, on earth, by civil death. In other words, they should be denied the right of a funeral and burial in a cemetery, their names should be banned from newspapers and their wills nullified.³²¹ Thus for prisoners who were considering suicide, there was a double threat of punishment, and a warning that suffering and misery would not cease after death.

Whether and to what extent inmates let themselves be influenced by such a discourse is hard to gauge. However, it seems remarkable that the penal apparatus of a secular state that was particularly at loggerheads with the Church, welcomed such crude manipulation of religion in order to penetrate the conscience of prisoners. It seemed a further indicator of the government's inability to convey a meaningful message of rehabilitation and social integration. On the other hand, the exploitation of recurrent tropes of Christian tradition showed that prisoners, in the eyes of the authorities, were deemed to be particularly predisposed to the influence of conservative Catholic teaching. However, from their responses it can be inferred that this was not always the case. Whether the central authorities

³²⁰ *Ibid.*, p. 68.

³²¹ *Ibid.*, pp. 88-89.

took inmates to be superstitious, ignorant, or backward, the complexity of Italian society, and indeed of its lower classes, emerged also through prisoners' responses to the government's manipulation of religious themes. As would be expected in a society in transformation, among inmates there was a miscellany of examples, including faith and devotion, but also atheism and fierce anti-clericalism. Indeed, it could not pass unobserved that in the prison library there was place even for a hagiography of Pope Pius IX, namely the very pontiff who opposed Italian unification and excommunicated Cavour and Victor Emmanuel II. An inmate spotted it and promptly vented his frustration and sarcasm against what seemed an anti-patriotic and inappropriate piece of reading.³²²

Among the faithful, some would highlight the contradictions between the sacredness of the Catholic Mass and the improper conditions in the prison chapel. The examples are taken from Turin. There the new prison was equipped with a semi-circular three-storey structure which served as a church. On each floor there were tiny cells facing a central altar, where inmates were locked up during religious service. From there they could see and listen, but they could not participate in any way, and even chanting was not permitted. In contrast, the environment put off many among them. The chapel, and the cells in particular, were described as a 'pigsty' or 'kennels'. The oppressiveness one might feel inside was not due only to dirt and stuffiness, but also to the actual space: each cubicle measured 1.5 square metres, with a doorway of about 0.7 metres large. The doors would allow a very limited view through a small square window with cross bars. Through messages written on the walls some would urge their fellow inmates not to pay attention to the 'environment, but to listen to the word of the Lord'. Others would ironise on the bigotry and sanctimoniousness of some of the clergy who taught religious precepts but led lives that were in contradiction with Christian teaching. One inmate questioned the legitimacy of using religion, and the Passion in particular, to appease those who had been unjustly incarcerated or had been left in gaol because of the inefficiencies of the penal system, even if no proof of guilt had been found. From his comments it is clear that prison chaplains used analagous arguments in the attempt to console inmates.³²³ Such a rhetoric, which received the endorsement of the Interior Ministry,

³²² Lombroso, *Palimsesti del carcere*, p. 114.

³²³ *Ibid.*, p. 78 (n. 1), p. 114.

sought, though awkwardly, to justify the injustices and shortcomings of the penal system, whereas failing to tackle the real causes of inmates' predicaments.

Instead, the prison authorities were more preoccupied with giving meaning to the rigours of prison discipline, and this emerged clearly in the prison readings. Whilst stressing the virtues of patience and forbearance, inmates were warned against apathy, which could be a 'symptom of evil sentiments or imbecility'.³²⁴ Though painful it might be – thus the argument goes – suffering must be a 'conscious process', and a prisoner should not try to elude his own fate. One's virtue and merit lay in the very state of facing punishment and the prison hardships mindfully, i.e. by being fully aware of the moral reason whereby one should endure prison discipline. Thus the suffering connected with a prison sentence was not pointless because one should never lose sight of the 'moral goal' – though degraded it might have been – that gave ideological legitimacy to prison discipline. In trying to find a moral justification for prison discipline, the institution eventually exposed the actual weaknesses of the rationale behind the GPR. It was, nonetheless, a constant preoccupation that called for a response. It seems that the Nietzschean suggestion of 'meaningless suffering' was not acceptable, and the DGC could not allow unjustified retribution, as reminiscent of authoritarianism and absolutism of past regimes, to blemish the prison system of a country that wanted to prove to be civilised and modern.³²⁵ Indeed, the notion that the prison regime had become pointless as a means of achieving moral reform, or that it caused meaningless suffering, could hardly be defended, because rehabilitation through punishment and discipline was allegedly the main goal to be attained by the reformed prison regime.

Nonetheless, the use of religious language, together with warnings against suicides, revealed conspicuous incongruities in which modern and traditional collided head-on. As an example, the religious tropes used in the prison readings about wrongdoing, repentance and death resembled Christian medieval allegories of hell and heaven, sin and redemption, together with Manichaean definitions of human behaviour. On the other hand, the call for civil death also showed the preference for pre-modern instruments to frighten and gain control over prisoners. Yet, one might be baffled to see that at the same time concepts such as 'science',

³²⁴ Miccoli, *Lecture*, p. 83.

³²⁵ 'What actually arouses indignation over suffering is not the suffering itself, but the senselessness of suffering'. Friedrich Nietzsche, *On the Genealogy of Morality*, ed. by Keith Ansell-Pearson (Cambridge: Cambridge University Press, 2007), p. 44.

'progress', and 'positivism' were praised as the new 'light of civilisation' which entered prisons and 'broke the darkness' of traditional society.³²⁶ Lombroso might have been appalled by such a jumble of concepts. This is not to suggest though that scientific discourse and religion could not co-exist in society, but it is undeniable that the message conveyed was deeply contradictory. This is because the eschatological rhetoric of the prison readings denied the actual possibility that 'progress' may ever come, or that science would ever bring tangible benefits. Indeed, Christian teaching was misrepresented to justify the inefficiency and injustice of the penal system and, ultimately, of Italian society. It may be argued that compulsory religious teaching could not but be an intrinsic part of a regime deeply rooted in the moral rhetoric. This, however, was not true everywhere. As an example, in France despite the moral element being present in prison rhetoric, the republican leadership pursued with greater coherence a reform project by giving priority to secular education. Unlike in Italy, it was left to inmates to choose whether to attend religious services.³²⁷ In the peculiar mixture of secular values with the manipulation of religious themes, the Italian authorities grappled with the challenge to overcome older practices of social control, and struggled to find better ways to justify prison discipline as a vehicle for achieving 'moral reform'. On the other hand, the ambivalent coexistence of old and new showed once again the misgivings of the state about how to secure control over the 'dangerous classes' whilst steering the nation through the uncertainties of modernisation.

Sometimes resorting to a religious motif would go a step further, and the prison itself would take the attributes of a supernatural entity, and here the similarities with a secular religion, based on obedience, (self-)discipline and social control become too conspicuous to go unnoticed. In this context, the panopticon device, regarded as a key instrument of coercion and discipline in modern penology, was compared to 'God's eyes'. Just as God's omniscient power would search one's mind and soul, the panopticon provided a hidden gaze in order to keep unremitting surveillance over inmates.³²⁸ This comparison may have had a more significant impact than one might initially suppose. This may be true in particular at those prisons, like San Vittore, where the altar for celebration of the Catholic mass sat at the very

³²⁶ Miccoli, *Lecture*, pp. 96-97, 198.

³²⁷ Badinter, *La prison républicaine*, pp. 213-214, 218.

³²⁸ Miccoli, *Lecture*, p. 98.

place where the observatory (the panopticon) was situated.³²⁹ The symbolic fusion of religious functions and the communion table with surveillance and the observatory suggested that the priest and the prison governor were invested with 'God's panoptical powers', and that prisoners, just like 'unrepentant sinners', had little hope of escaping impending punishment. Therefore the religious metaphor, and in particular its punitive dimension, fitted the architectural features and disciplinary organisation of the penal institution. Moreover, inmates were reminded that in the God-like panoptic prison there were no moments of privacy or actual withdrawal. Discipline was to be a continuous exercise throughout one's sentence, because even when in solitary confinement inmates could not escape surveillance, in the same way they could not prevent 'God (from) watching into our souls'.³³⁰ Again, such a combination of prison discipline with religious discourse as an instrument of surveillance could hardly convey any clear sense of 'moral reform'. Instead, it may have increased the feeling that an obsessive attempt to control inmates' behaviour took precedence over any serious consideration of meaningful ways of equipping prisoners with skills that could help their reintegration in society.

Forms of social control that focused on discipline, surveillance and punishment have been at the centre of modern studies on penal institutions, and Foucault has undoubtedly played a very important role in stirring up the debate.³³¹ In this connection, and in response to Foucault's stance on the professed goals of prison discipline, it has been argued recently that a system based on uninterrupted surveillance and punishment could achieve the goal of rehabilitation and reform of prisoners. Thus Bentham's first Panopticon, namely the project designed specifically as a prison and borrowed from Samuel, Jeremy's brother in White Russia, if correctly operated would indeed lead to inmates being reformed.³³² In like manner, it has been pointed out that the 'very essence' of such a system was 'moral reformation'.³³³ Needless to say, our focus here is on the principle of uninterrupted surveillance and prison discipline as a method to reform offenders, rather than on the actual building design, which

³²⁹ A picture of the altar at San Vittore is held by the Museo Criminologico, a criminology museum of the Ministry of Justice, in Rome. For more details see www.museocriminologico.it.

³³⁰ Miccoli, *Lecture*, p. 98.

³³¹ Foucault, *Discipline and Punish*, esp. pp. 195-228.

³³² Philip Schofield, *Bentham: A Guide for the Perplexed* (New York: Continuum, 2009), pp. 71-72.

³³³ Anne Brunon-Ernst, 'Deconstructing Panopticism into the Plural Panopticons', in Anne Brunon-Ernst, ed., *Beyond Foucault: New Perspectives on Bentham's Panopticon* (Farnham: Ashgate, 2012), pp. 17-41 (p. 40).

was never realised as Bentham wanted it. Thus in Italy, the core principles of Bentham's first Panopticon were adopted both before and after Unification. Ranging from the Bourbons' Santo Stefano panoptic prison (open 1795) to the peepholes introduced in prisons across the country, and the secret observatory beneath the altar of San Vittore (open 1879), relentless surveillance was clearly a central feature of the prison system as the Italian authorities deemed it fit for the purpose of discipline and reform.³³⁴ However, the evidence shows that whereas such modern penal devices based on panoptic principles could enforce a type of behaviour conditioning, they certainly could not search the truth inside the minds and souls of inmates. In other words, the pursuit of 'moral reform' through prison discipline seemed to be an illusory and unachievable goal because compliance with prison rules, or for that matter, with the law in general, did not equate with ethical behaviour.

In Schofield's insightful analysis it is said that prisoners would be reformed by the panoptic principle.³³⁵ But this could be true only in the sense of 'behaviour conditioning', not in the sense of a 'moral reform' as construed in the discourse of reformers and state authorities in Liberal Italy. Yet, even at the level of 'behaviour conditioning', success was far from certain. According to the principles of uninterrupted surveillance and punishment codified into the GPR, inmates would have internalised those principles and therefore violations would have ceased as well as punishment. Indeed, it was argued that the alleged beneficial effects of surveillance would have made surveillance itself unnecessary.³³⁶ This might be true on a theoretical level, yet, as seen in the examples of endless rounds of punishment, this was far from the reality on the ground. Moreover, the failure of modern penal methods had been registered also there where greater efforts were made to emulate Bentham's first Panopticon and the principle of reform through surveillance. This was the case of the Panopticon in Geneva (open 1825). Once more, the prison was the result of compromises which were thought necessary in order to realise the project and run the institution, but nonetheless it kept the core principles of unremitting surveillance and punishment. The Geneva prison

³³⁴ Antonio Parente, *L'ergastolo in Santo Stefano di Ventotene: Architettura e pena* (Rome: Ufficio studi Dipartimento amministrazione penitenziaria del Ministero della giustizia, 2008), pp. 24, 38. Parente argues, however, that the Panopticon in Santo Stefano was not inspired by Bentham's project, but by the internal design of the San Carlo Opera House in Naples – open 1737 – which featured architectural devices to ensure nobody escaped the gaze of the sovereign. On the politically motivated design of San Carlo see Thierry Beauvert, *Opera Houses of the World* (London: Thames and Hudson, 1996), pp. 44-49.

³³⁵ Schofield, *Guide*, p. 92.

³³⁶ Brunon-Ernst, 'Deconstructing', p. 40.

regime displayed an increasing harshness, while humanitarian principles were gradually abandoned. This suggests that legitimacy had been undermined whilst its retributive features had been reinforced. Similarly to the 1862 Commission for prison reform in Italy, it was thought that priority should be given to retribution and deterrence. Eventually, the Geneva Panopticon was declared a failure and the prison was pulled down in 1862.³³⁷

Religion, on the other hand, was far from being a unique feature of prison discipline in Italy. The Auburn system, adopted (and adapted) across Europe, was born in the United States where religious thinking had indeed reshaped the idea of punishment, and this was to have lasting consequences in the modern era. In the early 1820s a prison regime that deliberately sought inmates' moral reform through religious practices and discipline was already in operation in New York. This was mainly the work of different Christian denominations, including Quakers, Calvinists and Puritans. It was voluntarily based and did not have the direct involvement of state and Church. In general, they cherished basic principles such as respect for prisoners, the value of individual autonomy, and the reinforcement of the sense of self in inmates.³³⁸ As previously discussed, respect for prisoners, despite being professed by the very Minister after whom the reform was named in Italy, remained in many ways an empty statement. Individual autonomy was curtailed to the point of enforcing irrational rules, and leading to the consequent overburdening of warders' duties. Whereas the 'sense of self' was to be cultivated in the Quaker model, in the Italian system this was to be obliterated by article 249 of the GPR which prohibited prison staff from addressing inmates by their names: each prisoner was then given a number, and that was to replace individuals' names throughout the sentence. Virtually, a prisoner may not hear his name again for ten or more years. Indeed, this measure would be particularly welcome by jurists of the Fascist regime, who identified in it a powerful instrument to crush inmates' personality and cause psychological distress.³³⁹

³³⁷ Emmanuelle de Champs, 'From 'Utopia' to 'Programme': Building a Panopticon in Geneva', in Brunon-Ernst, *Beyond Foucault*, pp. 63-78 (p. 77).

³³⁸ For a more articulate view on the early nineteenth-century Christian-based regime see Jennifer Graber, "'When Friends Had the Management It Was Entirely Different': Quakers and Calvinists in the Making of New York Prison Discipline', *Quaker History*, 97 2 (2008), 19-40; and Thomas L. Dumm, 'Friendly Persuasion: Quakers, Liberal Toleration, and the Birth of the Prison', *Political Theory*, 13 3 (1985), 387-407 (pp. 398-399)

³³⁹ See Alfredo Rocco's report on the Prison Regulations published with RD 18 June 1931 n. 787, in Neppi Modona, *Poteri dello stato*, p. 372.

None of these measures, however, could be said to facilitate rehabilitation, or social reintegration, nor could they foster feelings of belonging to a national community.

These ambiguities were reinforced by the religious rhetoric of the prison readings. There the goal of reform and reintegration into society appeared implausible, and prisoners' hopes may have been dimmed by specific religious references. Indeed, the stress put on 'resignation', together with explicit allusions to the 'afterlife' as the only possible way out, could hardly convey a positive message. This seemed to confirm that the Italian élites harboured embedded feelings of distrust of the masses. Thus the responses of Italian prisoners who showed sarcasm or cynicism reveal their insight into a regime that, despite a veneer of humanitarianism and reformism, was founded upon retributive practices and was characterised by a schizophrenic urge for control. Of course this interpretation cannot account for all cases of disobedience and recidivism, but it does show that prisoners were not all passive subjects, as suggested by contemporary commentators, and that they saw prison discipline as an elaborated system of coercion that was far from leading to 'moral reform'.

In order to gain a complete view of the penal system we cannot fail to consider prison staff, and in particular the warders who operated on the ground in daily contact with inmates. In the aforementioned Quaker-inspired system, great importance was attributed to prison staff. Accordingly, warders should be carefully selected from among men who could help inmates achieve moral reform. The former should mindfully guide the latter along a process of self-reflection and repentance. This was seen as an opportunity to 'create a new person', and 'a new kind of subject', who would be spiritually renewed and transformed by a discipline inspired by Christian principles.³⁴⁰ Warders' key role was also acknowledged by the Italian authorities. Thus in the next chapter we shall turn our attention to prison guards. Considering that living conditions in prisons could hardly facilitate inmates' rehabilitation, and that the GPR was not conducive to moral reform, we shall now look at warders as the indispensable human resource at the service of the central authorities to enforce discipline and assist inmates in their path towards rehabilitation. Within the prison administration they were in fact the ones who had a more direct and constant contact with inmates. In a sense, security staff could have acted as a catalyst on the ground for reform, despite the faults and

³⁴⁰ Dumm, 'Friendly Persuasion', p. 395.

shortcomings of the system. They could have provided a role model for inmates, thus giving a sense that prison, despite its rigidity and deficiencies, was not the end of the line. Thus by looking at the experience of warders we shall get a further insight into the prison reality and its consequences for the achievement of 'moral reform'. By their very position and role inside prison they can help us better understand the responses of inmates and the ultimate purpose of the Italian prison system.

Chapter Four – Warders

*'Inmates are outcasts in the hands of outcasts, forgotten by all.'*³⁴¹

*'[We ask for] a warder capable of reading and writing be assigned to this Penitentiary since there is currently no one.'*³⁴²

In a context marked by serious deficiencies and shortcomings warders represented the last resource for bringing about moral reform. They were indeed those who had a more immediate and unbroken contact with inmates and for this reason could have served as a role model to inspire prisoners to seek a better life. This would have fitted with the notion of the modern prison as a 'house of correction' and the government's reform intentions for tackling offender behaviour and for improving inmates. Thus, despite the inadequacies of prison buildings and the less than helpful prison regulations, the ambition of moral reform still constituted a central part of the justification of the disciplinary regime. No doubt inmates' reform required a massive commitment and ought certainly to involve the security staff who worked with prisoners on a daily basis. Among other things, the former should show the 'straight path' in life to the latter by their example.

The idea that warders should set the example for inmates was conveyed to prisoners in a variety of ways. This also included stories about warders who by self-sacrifice had overcome unfavourable social and economic conditions for the benefit of their families. In the prison readings such stories were communicated in explicit terms, reinforcing the notion that inmates' lack of willpower and determination was the main reason for their failure. Once again, it is worth noting that this rhetoric focused on ideas such as free will and tenacity, basic

³⁴¹ Melodia, *Carceri: riforma fantasma*, p. 60.

³⁴² Formal request from the governor in Trani to the Interior Ministry (28 September 1891). ACS, MI DGC – Atti amministrativi 1896-1905, b. 72, fasc. 1891-93 (6.8.c) – Agenti di custodia.

tenets of the classical school, and not on biological determinism. A former prison guard, for example, was praised for managing to provide his son with the means to pursue further education, thus enabling him to achieve distinction in a scholarly career. It was particularly emphasised that his son's success was achieved in spite of hardship, and thanks to the father's endurance and self-sacrifice.³⁴³ Stories about 'outstanding warders' were thus presented to inmates to teach them how to achieve virtue and lead a good life. In connection with the rhetoric on willpower and self-sacrifice, such stories were meant to assert the notion that a disadvantaged socioeconomic background should not prevent anyone from seeking virtue and success. Ultimately, they intended to convey a fictional tale about self-made men, and shift the blame for social malaise and destitution from the government and public authorities to the individual.

Besides this familiar rhetoric of 'endurance and willpower' as a panacea for the social ills of the time, the Interior Ministry took special care to ensure warders fitted the ideal model of moral reformers. This was not an easy task, and prison administration, together with the management of warders and inmates, was to pose many problems for prison governors and the central authorities. In the present chapter we shall consider some of the most important rules concerning the work of warders, together with the practical difficulties faced by prison officials to promote and maintain the highest standards of institutional governance, whilst pursuing the 'moral reform' of inmates. This of course required the active cooperation of warders who were expected to enforce prison discipline, and ensure safety and security rules, whilst keeping an unblemished personal record both inside and outside prison. Indeed, this would have represented the ideal image of the warder as the example and embodiment of a total institution designed to confine people and change their behaviour through punishment and the inculcation of a particular kind of morality. Thus in the reformed prison of Liberal Italy warders were to have a much greater responsibility than the plain execution of orders to punish offenders. In their moral mission warders were expected both to represent 'morality' itself, thus setting the example, and also to help in the task of assessing inmates' behaviour. Assessment of inmate behaviour took place largely in the prison reports on the violation of rules and discipline, and, informally, through the conversations between warders and high ranking officials. Accordingly, in a penal system designed to change people's behaviour,

³⁴³ Miccoli, *Letture*, p. 59.

warders were expected to take an active role in a process that should lead to inmates' redemption. Its successful accomplishment, however, was far from being a simple question of finding the 'right people' for the job. The prison environment, its ethics and working conditions were as important as the human capital employed by the state.

Thus in the present chapter we shall find out who were the men working as prison guards between late nineteenth and early twentieth-century. Their social and economic backgrounds are important indicators of their position in relation to inmates and within the prison apparatus. In this connection, their working conditions will be explored in order to understand whether and to what extent these facilitated their mission as moral reformers. Warders' relations with inmates, and their own response to prison discipline form also a fundamental part of the mosaic of prison life. By exploring these aspects we shall gain a better insight into the functioning of prisons and the impact of discipline on both guards and inmates. This should help us understand whether prison guards could effectively promote the rehabilitation of inmates and thus play a positive role in the reform programme.

1 – Warders' background and working conditions

Before looking more closely at warders' background and their working conditions it might be helpful to know what criteria were adopted by the Interior Ministry for hiring security staff. Methods of selection can tell us what kind of professionals and skills the central authorities were looking for and which ones they regarded as the most suitable for the job. Here the evidence shows in a significant way that the government gave priority to discipline, acquaintance with strict rules, and observance of hierarchy. Accordingly, among candidates precedence was given to former military personnel, and in effect most warders had previously served in the armed forces.³⁴⁴ Some were indeed veterans from the Risorgimento wars, whereas others had fought in the colonial campaigns in Eastern Africa.³⁴⁵ The fact that most

³⁴⁴ Alfredo D'Ambrosio and Giuseppe D'Ambrosio, *Manuale dell'aspirante a sottocapo-guardia nel corpo degli agenti di custodia degli stabilimenti carcerari del Regno* (Rome: Farnesiana, 1901), p. 12. See also *Ordinamento del personale di custodia*, RD 06/07/1890, n. 7011, serie 3, art. 19.

³⁴⁵ See ASP, b. 164, s.fasc. Cattaneo Giovanni, and b. 166, s.fasc. Pizzi Giuseppe.

warders came from the army shows that military discipline was regarded as a crucial element for the good administration of the prison system. The central authorities preferred men who were accustomed to obey and knew how to discipline others. Whereas many of them would have been new to the peculiarities of managing a wide range of people under arrest or long-term convicts, most warders were used to a military life style. Similarly, military discipline would be an important feature of life and work in the penal institutions. The government's preference for former military men was thus a choice in keeping with the principles of compliance, discipline and endurance that permeated prison discourse. On the other hand, and besides general notions of 'patriotic values', there were no apparent skills or specific qualifications in a military background that might have been used to equip inmates for a successful reintegration into society. Unless the central authorities decided to use the literacy skills of some former military personnel for teaching inmates. However, as we shall see further in this chapter, this would have required a less-custodial type of prison regime, more flexible and less disciplinary-oriented, together with the hiring of adequate numbers of staff. Moreover, major changes would have entailed an extensive review of the principles underpinning the penal system, and a different approach to punishment.

Specifically, and in order to qualify for the position, candidates should be between twenty four and forty years old, in good health, have a clean penal record (this included also never being filed as a 'suspect' by the police), have maintained 'good behaviour' both inside and outside the armed forces, and be a bachelor or, a childless widower. Basic literacy and numeracy were also required, whereas specific conditions regarding height also applied, though for these, as well as for the minimum age, exceptions could be made if there was a shortage of applicants.³⁴⁶ These exceptions are more important than one might at first think, and we shall return later to the reasons why the central authorities devised such rules.

Warders' background had many points in common with inmates. Their schooling, upbringing, and social class differed little from the core of the prison population. As we shall see in more detail later in this chapter, warders' working conditions and their social status are eloquent indicators of their background and position in society. In particular, their history and experience were marked by hardship, poor schooling and lack of opportunities. They certainly

³⁴⁶ D'Ambrosio, *Manuale*, pp. 12-13.

enjoyed a low social status, and were traditionally held in low esteem by the population. Moreover, their isolation was not only social but also political, and this was shown by their inability to join forces with the labour movement and put forward proposals for effective reform.³⁴⁷ As seen in chapter three, although a culture of authoritarian discipline and morality concerned most of the state apparatus, circumstances in penal institutions facilitated the development of a particularly oppressive working ethos. Thus warders' exacting and often dangerous job remained largely unrecognised. Furthermore, the Royal Decree of 1907 would not make any significant changes to working conditions. Thus the remarks by the socialist leader Filippo Turati three years earlier were to remain a rather accurate picture of the general situation of Italy's *agenti di custodia*.³⁴⁸ Significantly, Turati compared the warders' conditions to the lives of prisoners. According to Turati, the majority of them were from 'the South' or from economically underdeveloped areas and with high unemployment rates. Illiteracy rates were high and prison guards would have suffered from consistent persecution and humiliation inside penal institutions. Such circumstances were bound to foster anger and pent up frustration which, in conditions of social and political isolation, led them to give vent to their feelings against inmates. The latter, being at the bottom of the prison hierarchy, were allegedly the only ones who could not react.³⁴⁹ Paradoxically, this would go precisely against the basic idea of warders as facilitators of inmates' moral reform. Although Turati was right in pointing out the injustices and violence that afflicted warders' lives, the oppression they suffered and their responses to the prison system are more complex and need a more in-depth exploration. In like manner, their relations with inmates would not always be to the latter's harm. In order to gain a better understanding of the impact of warders on the principle of moral reform we shall explore their working environment, their position within the broader context of Italian society, and their relations with prisoners and the central authorities.

The working conditions of prison guards varied from place to place, and according to their position within the state bureaucracy. As seen in the introduction, lack of uniformity was an intrinsic characteristic of the prison system as a whole, and it had largely originated from the variety of penal codes that lingered on after unification. This was also the result of the

³⁴⁷ The first significant attempt to break warders' political isolation would occur only in 1908, in Rome. See Modona, *Poteri dello stato*, pp. 409-410.

³⁴⁸ Term used in general to refer to warders in Italy.

³⁴⁹ Modona, *Poteri dello stato*, p. 405.

fragmentary nature of prison administration, which had long been split between the Navy and the Interior Ministry. This of course also reflected on prison guards who worked in a variety of penal institutions, each with its own characteristics and under different administrative arrangements. A national corps of prison warders would be created only in 1873. It aimed at regulating their work, standardising rules and wages. Yet, as it was often the case in the penal sphere, this was a slow and fitful process and the reform took about ten years to be fully implemented. Since not all warders could enjoy the new benefits, especially as regards higher wages, it also led to friction between senior and junior staff, with the former complaining about the injustice in receiving less money to do the same job as the latter.³⁵⁰ Nonetheless, it is worth noting that despite some increase in wages, by the end of the century a junior prison guard earned about 800 lire on average, whereas a chief-warder could reach the maximum of 1,200. This was in stark contrast to the wages paid to the highest ranks in the urban police forces, which amounted to 6,000 lire. Yet, and ironical as it might seem, a junior warder still earned about 37.5% more than a male school teacher working in rural areas, and 58.4% more if the teacher was female.³⁵¹ It is beyond the scope of the present study, however, to explore such discrepancies, yet it is not without importance to consider warders' conditions within a broader context. Their work might have been regarded as worth less than the urban police forces, but more valuable than many school teachers. Despite the reasons that motivated such incongruence, the examples in this chapter will serve to illuminate the working conditions in prisons and give us an insight into the economic situation of most prison guards.

As aforementioned, traditionally prison guards, as well as public security agents, were not held in high esteem by the populace, and their low wages did little to help improve their social status. As for warders in CMs things were further compounded by lack of stability and a non-fixed minimum wage since they were dependent on the local authorities for a contract, so

³⁵⁰ Alfredo D'Ambrosio and Giuseppe D'Ambrosio, *Manuale del personale di custodia degli Stabilimenti carcerarii del Regno. Utile a tutti gli agenti e specialmente agli aspiranti ai posti di Sotto Capo Guardia* (Naples: Biscotti, 1908), pp. 4-5.

³⁵¹ This is perhaps an indicator of the value put on public education by the liberal regime. See Giorgio Bini, 'Romanzi e realtà di maestri e maestre', in *Storia d'Italia 4: Intellettuali e potere*, ed. by Corrado Vivanti (Turin: Einaudi, 1981), pp. 1195-1224, p. 1201.

that their working conditions could vary widely according to a range of circumstances.³⁵² Yet, CM warders had the same responsibilities as any warder in a big provincial prison.

Perhaps warders' low wages, working conditions and selection criteria, were indicators of the government's failure to have a thorough appreciation of the importance of the human capital as a key element for the achievement of moral reform. This, however, did not pass unobserved and several prison governors, officials, and top bureaucrats called for improvements. Paradoxically, if the 'noble mission' of warders was to rehabilitate inmates, then it might seem rather puzzling that still in 1901, after ten years of the issuing of the GPR, it was acknowledged that the very warder corps was in need of reform. Beltrani-Scalia was particularly vocal on this matter. It was thus expected that 'vulgar and sinister prejudices' would be banned amongst warders and that general standards would be up-graded.³⁵³ The need to raise the standards of security staff was shared by the prison authorities who did not hide their views from their subordinates or from potential candidates. Thus the need for more 'good individuals' was spelled out right at the beginning of handbooks for applicants and warders who wanted to advance in their careers through internal examinations.³⁵⁴ Although revealing the authorities' apprehension about morality, and the wish for improvement in the future, this kind of declarations went no further than a plain expression of discontent, and offered little in terms of constructive proposals for change.

In this context, their finances remained a critical issue, and low living standards had a significant impact on guards and their families. As an example, it was not uncommon that at the end of their contracts warders lacked any financial means. In other words, a former guard would not have enough money to get a ticket to travel back home. Often in such cases, the prison governor would contact the prefect, and the Questura (the central police station in the province) would step in with a free ticket and any documents to allow the former warder to reach his destination. After years of regular service this might seem a less than joyful end of one's career. Warders' individual files provide many such examples. These, however, were far

³⁵² Prisons belonging to an administrative unit called *mandamento*, which was the third subdivision of a province and normally had a smaller gaol than the provincial capital; D'Ambrosio, *Manuale*, 1908, p. 8.

³⁵³ D'Ambrosio, *Manuale*, pp. 4-5.

³⁵⁴ *Ibid.*

from being the worst instances of economic distress. In the archives there are plenty of examples of hardship, with warders and their families facing penury.

In October 1879, Gaetano Zoccolari, a former military man and prison guard from Venice, was transferred from Palermo to the CG Reggio Calabria.³⁵⁵ In Palermo he was replaced by his colleague Paolo Lugo who, at his arrival, found in the lodgings left by Zoccolari the latter's elderly mother. Destitute and in need of care, her conditions prompted the newly arrived warder to contact the prison governor who, in turn, activated the official channels to seek a solution for what became a problem of welfare provision. Apparently the seventy-two-year-old woman, Adelaide Rossi, also from Venice, had been abandoned by her son, who could not afford to take her to his new domicile. Nor could Lugo, the new warder, look after her. Indeed, the situation was bound to cause more trouble, since Lugo himself had family and was struggling at his new home, whereas the unexpected guest put under greater stress Lugo's household. This may have prompted the prison governor to speed up the procedures and find a quick solution. In fact, on 19 November the Questura confirmed that the papers were ready and that Adelaide was to be sent off to Venice. She was said to be living in 'stricken poverty', and was filed as a 'pauper'. In the previous year, the prison governor had activated the same police office for the recovery of Zoccolari's wife (Teresa Rossi, forty-four, from Venice) in a mental hospital. Seemingly, she was ill, but the warder had no means to provide her with adequate care. Indeed, during the procedures for her recovery, Zoccolari himself was classified as a 'pauper'. In 1878-79 Zoccolari, as a First Class Warder, earned 700 lire per year.

Like in the example above, warders often had to get by on a poor pay, and these were bound to affect their families in various ways and, in particular, the elderly and young children. On the other hand, the prison administration played a significant part in their troubles because after their training, junior warders were often sent off to a distant province, and moving was likely to be a constant throughout their careers. The challenge would be greater though, if the prison they were sent to was located in a big city which typically had higher living costs.

Whereas the documents do not tell us to what extent this played a part in Zoccolari's predicaments, this was certainly the case in the story of Giuseppe Bastanzio.³⁵⁶ In the summer

³⁵⁵ ASP, b. 163, fasc. Guardie, s.fasc. Zoccolari Gaetano.

³⁵⁶ ASP, b. 165, fasc. Guardie, s.fasc. Bastanzio Giuseppe.

of 1895, Bastanzio was transferred to Palermo, and travelling in third class, took with him his wife and three small children (the youngest was two years old). His social and economic background differed little from those of his colleagues. A former soldier, his disadvantaged circumstances had already emerged in the previous year whilst serving at CG Catania. From there he had sent a letter with annexed a 'pauper certificate' to the Court of Castrovillari (in the Cosenza district, his province of origin) in order to obtain free legal assistance in a lawsuit against his brother over inheritance. In Palermo his living standards clearly deteriorated, and by Christmas 1895 his wife signed a petition to have her husband moved. In the letter it was said in unequivocal terms that they could not afford to live in Palermo and, in consideration of having three dependent children, needed to move to a place where life was cheaper. Despite having the prison governor's support, the request was turned down by the central offices in Rome. Apparently, moving personnel was not so easy, and before a transfer could take place the DGC had to find a suitable replacement.

Hardship would ensue, and this was aggravated by the unfortunate events that followed. In July 1896 his thirteen-year-old daughter had to be recovered in a mental hospital. A 'pauper certificate' had to be issued in order to obtain free treatment since the family could not afford it. His daughter was described by the authorities as 'utterly poor and illiterate'. However, the family's predicaments would not stop there. Bastanzio himself was not in good health, and on 31 August, at the age of forty-three, he passed away. The documents do not provide much information on the cause of his death, but according to Vincenzo Barbera, the prison doctor, he died from an 'acute form of articular rheumatism combined with apoplexy'. The family was thrown into disarray, whereas in the meantime Raffaella Memoria, his wife, gave birth to a fourth child.

At the time of his death, Bastanzio had completed eighteen years in the prison service (plus two in the army). Aware of the hardship the family was facing, and that no pension scheme would protect the widow or her children (twenty years of uninterrupted service were required for the acquisition of pension rights), the prison governor committed himself to help Bastanzio's family. Thus a collection was arranged among warders and officials, whereas a letter was sent to Rome the next day. The prison governor made a plea for financial assistance of the 'wretched family'. With unusual promptness, the Interior Ministry responded, and the week after it sent a cheque worth fifty lire (roughly 60% of Bastanzio's monthly pay).

Moreover, the prison governor took in his own hands all the red-tape involved to produce the official documents (twelve) that would allow the widow to cash her husband's savings. These were lengthy bureaucratic procedures and, in the case of senior warders, things tended to complicate further because of the long record of changes of domicile. It was part of the DGC policies to keep warders far from their provinces of origin, but also to move them from time to time, so they could not build stable relations with the local community. These tactics did not always work, but they were symptomatic of a desire to keep warders isolated. Born in Oriolo (Cosenza province), Bastanzio had served in eight different penal institutions, and lived in seven distinct provinces, ranging from Parma, in the centre-north, to Lecce, in the far south of Apulia. But he was never sent to his original province. Bureaucracy helped to complicate things because many administrative acts were dependent on one's domicile or birthplace, and having moved many times meant that all procedures would involve several offices in different provinces. It also meant more postal expenses. Apparently, the red-tape was sorted only near Christmas, i.e. nearly six months after his passing away, and that was thanks to the personal interest of the prison governor, and despite administrative errors that occurred in the process.

Giuseppe Bastanzio and his vicissitudes can be seen as a typical example of the stories of many warders, which were generally marked by poor background and few opportunities. Before his military service, Bastanzio was a rural worker, and after leaving the army enrolled as a prison guard, spending most of his life in barracks and penal institutions. His marriage was also indicative of his social status. Raffaella Memoria was an orphan and had scarce means to raise her children. Despite eighteen years as a warder, Bastanzio's savings were less than a bonus and may not have done much to change his family situation. After going through the red-tape with the help of the prison governor, the widow finally got hold of the necessary documents to cash the money: 70.18 lire, i.e. less than a monthly pay Bastanzio would have got had he been in service.

Bastanzio's story was not an isolated instance of misfortune. Indeed, the evidence shows that many warders faced similar circumstances in their careers. In this sense, Giuseppe Miola offers a useful example of the detrimental effects of a poor socioeconomic background and

unfavourable conditions at work.³⁵⁷ A former labourer from La Cassa, a small village near Turin, he served in the army before entering the prison service. As in many other cases, Miola spent most of his career in faraway provinces, with the exception of his first term in service, though this was before the reforms of 1889-91. Hardship at home emerged in dramatic terms in late 1895, when Miola was serving at Gerace Marina, in the Reggio Calabria province. Miola's elderly mother sent a letter (27 November 1895) to the Interior Ministry asking for financial assistance. In particular, she underlined her distressing circumstances: a 'harsh winter was approaching fast' (La Cassa is situated in the mountainous Alpi Gaie, the highest section of the Western Alps), she was not getting enough help from her son, and the village where she lived was 'too small and poor for begging'.

It is worth noting that his mother did not ask for any state benefits, but for a special authorisation that allowed her son to have access to his savings so he could help her out. Besides the warder's family destitution, it demonstrates that the typical paternalism of the moderate liberals was translated into restrictive policies that prevented warders from having free access to their earnings. This meant they could not manage their own money freely. In fact, her request was turned down because it was 'against the regulations', and Miola was actually prevented from helping his elderly mother. Their predicaments were further compounded by the fact that Miola's payments were overdue.

In March 1898 Miola was given a promotion and transferred to Palermo. By summer he was showing signs of ill health. The prison governor tried to prevent Miola from being discharged for ill health, though the Military Hospital advised otherwise. This was because the governor was aware of Miola's family situation: in the meantime he had got married and had two small children (from the documents it is not clear whether his mother was alive at the time). The prison governor tried to convince the hospital to give him a sick leave. This would have allowed time for a potential transfer to a prison where the service was less demanding. Having sixteen years in the prison service, Miola had no pension rights and, in the words of the governor, being discharged for ill health would have meant 'utter destitution' for the Miola family. Sadly, there was no time for such considerations, because on 24 September Miola died

³⁵⁷ ASP, 167, fasc. Disciplina guardie, s.fasc. Miola Giuseppe.

from heart disease (stenosis). He was forty-one.³⁵⁸ As seen previously, a similar pattern of red-tape, bureaucratic inefficiency and lengthy procedures would follow. In the meantime the warder's family fell into destitution, and the widow had to get by with her two children (the youngest was four months old). Once more the prison governor would play a key role to sort out most of the paper work. Nonetheless, the widow still had to wait, unsupported by the state, until January of the following year, when she was able to cash her husband's savings from the prison service: 73.02 lire. As seen previously, this was indeed a meagre reward. At the time of his death Giuseppe Miola was a First Class Deputy Chief, earning 1,200 lire per year.

Within this context, it is hard to imagine how warders could become role models and give an inspiring example for inmates to aim for. Although living in conformity to the social and political canons of Umbertinian society, warders' lives and experience proved that hard-work and professional commitment did not pay. Moreover, considering the treatment they received from the state and their working conditions one may wonder whether warders could be designated as promoters of 'moral reform'. In many ways, it was unclear whether the Interior Ministry and top officials had unreserved trust in their guards. In fact, security concerns and a certain anxiety about their loyalty prompted the government to adopt particular measures that were borrowed from security policies. In this connection, the fact that preference was given to former military men showed that not only acquaintance with military discipline was preferred, but also detachment from one's local community. Following a system of national conscription whereby conscripts from different regions were mixed into a single unit and served far away from home, in general military service in Italy tended to uproot young males from their native or habitual surroundings. This was thought to prevent fraternisation with the local population and to ensure soldiers would engage in policing and obey orders faithfully, carrying out popular repression in case of civil unrest. As seen in the previous examples, the prison authorities took pains to prevent warders from being allocated to prisons in their native provinces or near their local communities. This, together with a noticeable popular hostility towards prison guards and policemen, fostered a feeling of

³⁵⁸ Both Miola and Bastanzio passed away well before the average life expectancy of the time (sixty), whereas their age group represented only 4.72% of deaths among males in the 1890s. *ISTAT*, p. 25, tav. 19.

alienation amongst warders.³⁵⁹ As outsiders in a country where levels of social and cultural integration were still underdeveloped, they could hardly find any meaningful connection with the local people, and their alienation could only be compounded by their less than admired institutional role. Thus their military background, together with their function in society and relative isolation, are factors that need to be taken into account when examining their experience in the penal system.

It is not an easy task to penetrate anyone's mind, let alone that of someone who lived more than a century ago and left no written account of their experience. Nonetheless, the documentation left by the prison authorities can offer a few glimpses of the impact that working conditions had upon warders' lives and how they responded to those circumstances. As far as warders' sense of alienation was concerned, prison regulations and central authorities took care to ensure that this was not easily mitigated. Thus according to article 12 of the Warders' Regulations issued in 1890, fourteen years had to pass before a warder could have any hope of being transferred to his native province. This meant that before fourteen years of service a warder could simply not apply for transfer. If one adds the time spent far from home during military service, as was often the case, it is not an exaggeration to say that some warders had been far from their family and friends for many years without interruption. As an example, this was the case with Giovanni Policarpo Cattaneo, from Pavone, in the Alessandria province. A veteran from the Risorgimento, Cattaneo started his career as a prison guard in 1866 at Finalborgo, in Liguria. Some twenty years later he was still working as a warder, but this time he was far south, at L'Ucciardone, in Palermo. There he applied for a thirty-day-leave in order to travel to Alessandria to meet his elderly sister who was ill. It is worth remembering here that warders did not enjoy any regular period of holidays, but could apply for leaves up to fifteen days per year in case of urgent family problems or ill health.³⁶⁰ Under exceptional circumstances this could be extended up to one month, though at the time Cattaneo made his application there were no clear-cut rules and a prison governor might decide on a case-by-case basis. Besides the normative details on leaves, Cattaneo's case is

³⁵⁹ As for popular opinion on prison guards and public security agents see Tommaso Scappaticci, *Il carcere nei cantieri popolari* (Naples: Guida Editori, 1980)

³⁶⁰ D'Ambrosio, *Manuale*, pp. 22-23, art. 66-67, 69.

worth exploring because it reveals some aspects of warders' lives that otherwise would remain unknown.

According to the correspondence exchanged between the prison governor and the prefect in Palermo, in twenty years Cattaneo had never been back to Alessandria since he had never made a single application.³⁶¹ It is very likely that was the case, because since 1866 he had never been out of work, nor had he worked in any prison near his native province. After so many years his first leave application was successful and Cattaneo could finally go back home. Once back at his native province, on 19 September 1886 Cattaneo applied through the Alessandria prefecture for a further extension of his leave. This was due to his family situation, but the application was rejected.³⁶² On his journey back however, there were delays and, for reasons beyond his control (for two days ferries could not leave the harbour in Genoa), he returned ten days late to Palermo. Being aware that a late return entailed loss of pay, Cattaneo tried to defend his position by arguing, rightly, that for reasons beyond his control he was unable to get back in time.³⁶³ Thus with the backing of his prison governor, who highlighted his 'exemplary' behaviour, his very long-term absence from home and the unexpected circumstances that had disrupted his journey, a letter was sent to the Interior Ministry in order to prevent him from losing his pay. The Interior Ministry, however, did not take the circumstances into consideration, and bluntly rejected the application. As a consequence Cattaneo lost ten days' pay, and the prison governor was rebuked for allowing a thirty-day leave without previous consultation with Rome. The trip to visit his ill sister after nearly twenty years turned out to be unduly costly for the senior warder, whereas the sympathetic prison governor had to acknowledge the limitations of his power, even if the cause was just and concerned a dedicated prison guard and decorated war veteran.

Cattaneo's example was not an isolated case, and from the warders' files it is not hard to imagine separation and long-term absences as common among guards. This emerges both from the policy of allocation of warders as well as from the frequent letters prison governors received from warders' parents asking for news of their sons. This of course increased the

³⁶¹ ASP, b.164, s.fasc. Cattaneo Giovanni, letter dated 19 August 1886.

³⁶² Normally all warders' correspondence went through either the prison administration or the nearest prefecture.

³⁶³ His journey had also been further delayed by a quarantine that was in force at the time in the port of Palermo, the city being recently hit by a severe cholera epidemic.

sense of alienation among warders living far away from their native provinces, and sometimes in quite remote areas of the country. Moreover, it is worth noting that whereas strict (and often irrational) rules applied to inmates in many ways (as seen in chapter three), warders were far from being in a much better position; and, as Cattaneo's example shows, 'exemplary' behaviour was not a ticket for obtaining better treatment.

In a broader sense, Cattaneo's case can offer deeper insights into the dynamics of prison management, the working ethos of the DGC and how it could reflect on the very image of warders and the moral reform rhetoric. In this connection, it is worth considering that Cattaneo's forty-day absence from work could hardly have passed unobserved, and surely the outcome of his misfortunes became known to colleagues and prisoners alike. If his bright past record might have served the purpose of creating an image of the warder as a role model, the treatment he received from the state when facing his family problems was far from being a fair recognition of his services for the nation. Considering the inmates' responses to the prison rhetoric seen in chapter three, it is very plausible to imagine that Cattaneo's case lent itself to cynicism and ironical remarks about model citizens who, when in need of support, met with the cold and authoritarian attitude of state institutions. It could also be argued that, had it not been for the initiative of the prison governor pushing for his case, Cattaneo may not have got a leave that enabled him to meet his sister. Such circumstances were prone to undermine the discourse on obedience and moral reform which, from the perspective of inmates and warders, could not but appear an empty shell to disguise authoritarianism and unfair treatment. Thus even in the case of a loyal warder and war veteran, the rhetoric of moral reform and exemplary behaviour risked backfiring. Cattaneo ended his career in Palermo where he had to retire due to ill health in September 1894. He had worked for twenty-eight years as a prison guard and, considering two more years in the army (plus the 1866 campaign), spent his whole adult life in barracks and penal institutions. By the way, being also an orphan, Cattaneo must have been familiar with life within disciplinary institutions since a very early age.

The working life of most warders had its own peculiarities related to the penal universe and military ethos, and these are not aspects that can be easily appreciated. This is mainly because they were enforced over lengthy periods of time without breaks and concerned, in many cases, what is nowadays regarded as the 'private sphere'. A thorough analysis of prison norms

can nonetheless help us gain a better understanding of some aspects of work in prison that had a considerable impact on warders' lives. Overall it is fair to say that someone working as a prison guard at the end of the nineteenth century in Italy had his life considerably institutionalised. Besides feelings of alienation caused by long-term absence and the unfamiliar and often hostile local environment, warders had to cope with obstructive rules that had a significant impact on both their personal and professional lives. In this connection, sex and marriage constituted a sensitive area of intrusion by the central authorities. As an example, warders could not get married without getting permission from the Interior Ministry, and applications could be made only after eight years of regular service and 'good behaviour' both inside and outside prison.³⁶⁴ This, however, did not mean that after eight years permission would be issued automatically, since there were waiting lists, and further conditions to be met. Indeed, following an application investigations were conducted. These regarded not only the financial situation of the couple, which had to meet specific criteria, but concerned also the private life and 'morality' of the would-be wife. Investigations into a woman's private life were not legally rooted into the prison regulations, but took place whenever a marriage application was accepted. In such cases, the Interior Ministry, together with the prison governor, would activate a wide net of informants, including prefects, *carabinieri* and other non-institutional channels, in order to probe the life of a warder's fiancée.³⁶⁵

Being bachelors for at least eight years also meant that warders had to sleep inside prison, since applications to spend a night outside could only be made by married warders. Of course no visitors were allowed in.³⁶⁶ Whereas the implications of such rules on an individual level are difficult to assess, the overall impact is not hard to imagine. Apparently, the Interior Ministry even anticipated what could be the most likely consequences for more than 5,000 young males living in penal institutions under such rules, and with article 138 introduced an extra fee to be paid by a warder who needed medical care for sexually transmitted diseases. Given the scattered nature of documents in the public archives, it would be virtually impossible to have overall statistics on warders affected by sexually transmitted diseases. But from the files consulted for the present study it was not an uncommon problem, and many

³⁶⁴ D'Ambrosio, *Manuale*, p. 33, art. 131, 132.

³⁶⁵ *Ibid.*, pp. 33-34, art. 133-135.

³⁶⁶ *Ibid.*, p. 31, art. 117.

of them would encounter it sooner or later in their careers. Thus while imposing grievously restrictive rules on warders' private lives, the government also took care to prevent extra expenses from soaring in case the consequences of those rules caused more trouble than one may expect.

The encroachment of institutional rules on warders' freedom extended also to other important areas of life. How we look after ourselves and manage our own bodies is an important part of one's experience as a responsible and self-reliable adult. It is also part of one's identity, giving a sense of independence and control that, in the over-prescriptive environment of penal institutions, tend to become critical matters. Hence it is not by chance that food was as sensitive, and often contentious an issue in nineteenth-century prisons for both inmates and warders, and continued to be so in the twentieth century. Nor is it less important to consider that one of the greatest victories of post-Second World War prison reform movements was to relax rules on food. However, in the authoritarian climate of penal institutions of Liberal Italy, the central authorities had no intention of relinquishing power over such an important matter. Thus according to article 76 it was compulsory for all warders (except chief-warders) to have meals in the prison refectory. Only married warders could apply for an exemption, but because of the highly centralised bureaucracy this had to be previously authorised by Rome, and the red-tape involved often meant a lengthy and time-consuming process (art. 77). Much as it was the case for inmates, controls were extended to the smallest details, including the amount and type of food warders were allowed to eat. This was established by annexes to the regulations whereby each item was described meticulously, including price, kind and weight (art. 78). Even if a warder had any spare money of his own and wished to improve his diet this was not allowed, since a cap was imposed on daily food expenses. At the beginning of the twentieth century article 76 was further extended to include two meals a day.³⁶⁷ Being mandatory the rule on common meals was obviously intended as a control, and this also included reducing the opportunities for warders to socialise outside prison, which in turn increased their isolation. Moreover, there was a clear attempt to prevent warders from eating or drinking with relatives of inmates, or with former

³⁶⁷ D'Ambrosio, *Sotto Capo*, pp. 24-25.

inmates who had been released for less than three years. This was indeed classified as a serious violation, punishable with 'harsh imprisonment' according to article 211 of the GPR.

In addition to such over-restrictive rules it is worth remembering that working conditions could fluctuate according to circumstances that were beyond the control of the prison administration. Thus, during the mass arrests that took place intermittently in the 1890s for political opposition or 'subversion', penal institutions had to deal with overcrowding and warders were put under huge pressure to prevent prison riots and jailbreaks. However, and despite the sudden surge in numbers that could result from political decisions, warders and prison governors had to deal on a regular basis with problems that originated from the chronic shortage of staff.

2 – The conditions on the ground: shortage of staff and the paradoxes of warders' discipline

As we have seen so far, the career of prison guard was far from attractive. Low social status, poor pay, unsatisfactory working conditions, together with onerous and oppressive rules, may have prevented many young males from applying. This may be a partial explanation for the flexibility the government allowed in relation to the requirements regarding candidates' age and height. Indeed, exceptions were made and these were justified because of the scarcity of applicants. On the other hand, given their disadvantaged background, warders' opportunities to earn a living were few, and this is shown by the fact that the majority of them applied to renew their contracts. There may not have been many chances outside and, despite the inconveniences of the job, warders would adjust as best as they could.

However, there were exceptions, and tight prison discipline combined with poor working conditions could lead men to a breakdown. Apparently, this was the case with Luigi Sommaggio, a carpenter from Padova who, unlike most of his colleagues, did only a short stint of military service in his province. After three years in the prison service though, Sommaggio

deserted.³⁶⁸ Until then Sommaggio's track record had been exceptionally good, with only two disciplinary reports on his account, in both cases for 'falling asleep' in service.³⁶⁹ His work was appreciated and received overall a positive assessment from his superiors. Ironically, it was perhaps his professional commitment and thorough observance of the rules that sapped his ability to cope with prison discipline. Sommaggio's story stands out for his relatively clean record, whilst most of his colleagues' files were packed with violations and disciplinary measures. Yet, it is worth noting that non-observance of prison rules would not produce necessarily a negative assessment of a warder's conduct. In general, more seasoned officials expected that warders would break occasionally at least some of the rules. That was a mechanism to cope with the regime in the long term. In this sense, violation of minor rules would function as a kind of 'relief valve', and may have prevented in many instances a nervous breakdown. Lateness, 'untidiness', carelessness, or informal talking with inmates generally would not lead to severe punishment. Whereas habitual drunkenness, corruption, facilitating jailbreaks or criticising superiors were deemed to be serious violations and were punished accordingly. Apart from the moral aspect of some violations, breaking the rules was condoned as far as it did not jeopardise security, nor posed an open challenge to the power of the central authorities and the hierarchy. Of course desertion, or instigating the abandonment of service, was not tolerated and, according to article 214 of the GPR, a guard who deserted was to be punished with formal expulsion. Brought to the Disciplinary Commission on 10 January and asked about the reasons of his actions, Sommaggio declared he did it on purpose to be expelled because the service was 'excessively overwhelming and gruelling'. For him the conditions may have been truly intolerable since he declared he knew the regulations and was aware of the consequences of his actions. The conditions of expulsion were very onerous and entailed the total loss of his savings. Moreover, Sommaggio planned his violation carefully in order to avoid further complications: in fact, he avoided the risk of being sent to court martial, which would have ensued had he been absent for five days or more. Thus he re-entered the institution in time to avoid military justice. Having no money, he was sent to the Questura in Palermo for the usual free ticket to reach his home town in the North.

³⁶⁸ ASP, b. 164, fasc. Personali agenti di custodia, s.fasc. Sommaggio Luigi. Sommaggio left unauthorised the prison building on 7 January 1895.

³⁶⁹ As will be seen later, this was a very common infraction among warders.

Most of his colleagues, however, would continue to work for long periods in the prison service, bearing onerous conditions while exploring gaps in the system. As mentioned above, warders' files are riddled with instances of violations and punishment, and in many ways they resemble prisoners' disciplinary records. The study of their files, together with reports by top officials and official investigations, reveal however that in many cases complaints about overwork and shortage of staff did reflect the actual conditions on the ground. This emerged both from individual files as well as from more comprehensive documentation. In this connection, a common violation was 'falling asleep in service', which in general, was punished with a period in the 'disciplinary cell'. The high frequency of such a violation reveals that this was not due to exceptional circumstances, but was linked to working conditions in general. Unrealistic expectations in relation to warders' performance are perhaps best exemplified by the infamous '18-hour shift'. As an example, between 1892 and 1896, Onorato Aiazzi, a former soldier from the Siena province, was punished thirteen times for 'falling asleep in service'.³⁷⁰ This amounted to ninety-five days in the disciplinary cells, out of an overall 156 days of punishment. In practice, this meant losing a member of staff for disciplinary reasons for 6.25% of his time in service, which in turn increased the workload of other guards. To a great extent, this was due to the chronic shortage of personnel as well as a dysfunctional organisation that was over-concerned with petty rules and behavioural control. However, shortage of staff was far more complicated an issue than tired and sleep-deprived warders. It involved matters of security and discipline that could raise serious questions on the principles underpinning the prison system and its organisation.

Quite often the question of understaffed prisons drew the attention of the authorities only in connection with some particularly challenging situation regarding security and discipline. In other words, lack of prison guards was seen as a real issue when it led to a significant decrease in security or a deterioration in discipline, and less as a deficiency per se which affected primarily the well-being of warders. There were exceptions to this, but in general shortage of warders became a central issue for debate when there were serious risks to security, or else, when prison discipline seemed to be on the verge of a breakdown. As an example, in November 1901 the prison governor in Naples asked for the urgent replacement of warders who had been moved or were out of work. The Neapolitan administration was struggling,

³⁷⁰ ASP, b. 165, s.fasc. Aiazzi Onorato.

whilst security and discipline had been seriously jeopardised. This was true in particular at Sant'Eframo, where in the aftermath of a prison riot, tension was mounting. As the prison governor explained, members of 'organised crime' were ready to defy the prison authorities, and there was a real risk that the rest of the prison population in the other Neapolitan gaols would follow suit. Apparently, information was quickly disseminated thanks to the newsboys who used to shout the newspapers' headlines in the streets, and because of the custom of members of the public of 'singing the news' by the prison walls at night. Thus it is very likely that the events at Sant'Eframo and the repression that followed became known to other inmates in Naples, and the prison governor feared that the situation could rapidly deteriorate. The crisis was further compounded by the imbalances and inadequacies of the prison system: whereas it was feared overcrowding at San Francesco would spark off a new riot in solidarity with Sant'Eframo, lack of security staff put extra pressure on warders and made the prison governor feel worried about losing control of the situation. Despite reassuring the DGC that they 'would not let themselves be intimidated', Naples urged Rome to send new warders as quickly as possible and bring the staff back up to its full strength.³⁷¹

Shortage of warders also had a significant impact on prison management regardless of the behaviour of inmates. On 20 August 1904 the prison governor in Naples, D'Ambrosio, wrote a detailed report on the troubles he encountered running an understaffed prison. According to this, shortage of security staff was a chronic problem that severely undermined discipline. In order to achieve good standards of management there was a need for no less than 163 warders. When D'Ambrosio wrote his report he had 159 guards on paper, but in reality only 147 were in active service. There was therefore an actual shortage of sixteen warders. Given the importance of Naples as a major urban centre with its six prisons, the shortage of personnel could not but have a significant impact on the prison service. The most immediate consequence was a considerable increase in working hours, and warders were in effect overwhelmed by work. On average, warders in Naples were doing twenty night shifts per month, which in practice meant they could have a break at night to sleep every two days. This was in addition to their daily regular duties. The prison governor acknowledged the workload had become excessive, and guards were exhausted and getting 'tetchy'. Discontent was widespread and complaints were mounting. Indeed, some warders were deliberately

³⁷¹ ACS, *Direzione generale delle carceri 1896-05*, b. 358, Fasc. Napoli CG – Personale di custodia.

committing violations in order to be punished and thus get some sleep in the disciplinary cells.³⁷² Although nobody tried to emulate Sommaggio's example, discipline was noticeably undermined because of the working conditions. These forced warders to break the rules intentionally to mitigate what had become an intolerable situation. Paradoxically, warders were facing harsh conditions as much as inmates.

Nonetheless, warders were still responsible for security and any failure in that sense would be thoroughly punished. In the night between 17 and 18 September 1904 a jailbreak at Carmine was about to occur. Apparently, a 'last-minute' security check prevented the escape from taking place. In the enquiries that followed it was revealed that some inmates had prepared an escape by opening a hole in the roof in the second floor. By then, several security failures were spotted: a small hacksaw and other tools had been smuggled into the prison hidden inside a loaf of bread, night patrols and security checks had failed to discover the work being done in the roof, the prison laundry and the storeroom failed to notice several bedsheets were missing. In the report, the security failures were highlighted and warders were held responsible. However, the conclusion drew attention also to other aspects that helped undermine security. Firstly, the building was described as 'too old', the roof too fragile with a terrace on top which could only facilitate an escape. Indeed, the report pointed out that similar attempts were likely to happen again in the future and that it would be necessary to place an armed guard on the top of the roof to prevent further attempts. It was acknowledged, however, that given the chronic shortage of personnel, current staff at Carmine were already overwhelmed by work, and this prevented them from having any time off as in the regulations. Warders were already worn out and hence it would be unwise to add an extra burden on them. Put simply, security could not be reinforced without an increase in staff. The report, which started as an enquiry into the attempted jailbreak, finished as a plea for an increase of staff, and the need for crucial maintenance work in the building.³⁷³

About two weeks before the attempt, the prison governor had sent a letter to the DGC calling for the replacement of six warders who had left Naples. Rome replied on 9 September: the request could not be met but, for the time being, two apprentices would be sent to Nisida

³⁷² *Ibid.*, f. 17208, letter dated 20 August 1904.

³⁷³ *Ibid.*, f. 17214, report dated 27 September 1904.

and the island of Procida, and this would have allowed a staff reshuffle and the addition of two warders at Carmine.³⁷⁴ Besides the lengthy process that a similar arrangement would have entailed, with some unavoidable waste of time when negotiations between different penal institutions took place for the share-out of prison staff, the response from Rome showed the stark contrast between the pressing demands on the ground and the resources available at the central level. Nonetheless, Naples did not give up and renewed its demands adding a new request: it was about to lose another guard who was to be transferred to Amelia, in Umbria. In order to prevent a further gap in its ranks it asked the transfer to be postponed in order to allow time for the return to work of a warder who was off on a sick leave. On 21, namely four days after the near jailbreak, permission was given, though nothing new was said in relation to an increase in staff numbers. Of course a quicker reply from the DGC to reassure Naples was not losing another guard would not have made any significant difference in terms of security. It shows, however, that prison governors and warders could hardly expect any effective assistance from Rome in getting improved working conditions and security standards. The highly centralised state apparatus was often revealed as being less than able to cope with the demands of understaffed and often ill-equipped penal institutions.

As mentioned above, despite such inadequacies, security staff at Carmine were to pay the price for the incident. The Deputy Chief Romeo Facchini and Corporal Vito Caliandro were both punished with the temporary loss of their ranks (and consequent loss of pay), while Warders Costantino Dallari and Giacinto Sinigalli were given twenty days of 'harsh imprisonment' in accordance with articles 211 and 213 of the GPR.³⁷⁵ Ironical as it might seem, even the Second Deputy, Antimo De Cesare, who had frustrated the inmates' plan and actually prevented the jailbreak, could not escape punishment. According to the Disciplinary Commission, De Cesare could be pardoned for his failure to discover the plan for escape earlier, and this was because of his very role in preventing the jailbreak. To a certain degree, this was the result of a somewhat elastic interpretation of article 229 of the Penal Code, which prescribed sentences of up to five years in cases of jailbreak for negligence in security. On the other hand, a pardon should be granted according to article 233 if the warder involved managed to arrest the escapees within three months. In conclusion, the Disciplinary

³⁷⁴ *Ibid.*, letters dated 2 and 9 September 1904.

³⁷⁵ *Ibid.*, f. 17226, letter dated 6 October 1904.

Commission decided that it was fairer and more in accordance with the spirit of the law that De Cesare was given a pardon. Yet, and despite acknowledging it, the prison governor thought De Cesare should somehow be punished and pushed successfully for the cancellation of his promotion to Chief-Warder, which was about to be made official.³⁷⁶

On reading the enquiries and official reports by prison authorities and their correspondence with the Interior Ministry, one cannot fail to be struck by the meticulous examination of the many details which formed the circumstances leading to the attempted jailbreak. This thorough detective work, including information on the methods used to hide tools inside food, the way the hole in the ceiling was made and disguised with a piece of cloth, and the modus operandi of the prisoners to keep the operation secret, makes one think the prison authorities had an in-depth knowledge of the complexities involved in evading security and eventually carrying out a successful jailbreak. On the other hand, their knowledge was only complete and their inferences only made sense if they comprehensively took into account the inadequacies and flaws of the prison system. In doing so, they should have looked into all areas in need of improvement. Yet, there was no instance of the investigators shifting their focus from the failures of warders in carrying out security checks, to the working conditions they had to endure on a regular basis. For example, there was no suggestion at any point during the investigations that night patrols were failing to meet security standards simply because warders were unable to carry out their duties thoroughly after two nights without sleep. This of course left gaps in security that could be exploited by inmates. However, by focusing on the warders as being solely responsible, the prison authorities put the blame for security failure on the guards who allegedly had shown carelessness in their duties. The paradox between professional demands and working conditions was evident, yet it seems the central authorities never considered a non-punitive approach to security failure. In similar circumstances it seemed unrealistic of the prison authorities to expect warders should not only fulfil their duties scrupulously, but also be concerned with their mission to promote moral reform of inmates. As the investigation at the Carmine prison revealed, warders' primary concern should be security, and given their working conditions, there was indeed little room for any other commitments.

³⁷⁶ *Ibid.*

Shortage of security staff was far from being a characteristic of the prisons in the Neapolitan province alone. In the summer of 1905 the prison governor in Parma had to urge the Interior Ministry not to make changes to the warders' schedule which would have further worsened their working conditions. According to article 205 of the GPR, warders had the right to enjoy at least two hours off per day, and half a day every fifteen days of work. In Parma, however, these rules remained largely unobserved. Warders were actually allowed three hours off every two days in the evening, whereas a half day off happened only every three weeks. In a further note the prison governor highlighted that they were on a 'tight schedule' and explained he could not afford any warder off during day time because the prison was understaffed.³⁷⁷ The penitentiary in Parma was not a small gaol. Its prison population amounted to more than 500 inmates, and it had nineteen workshops, some of which were large enough to accommodate seventy workers. In this context, daily duties surely went far beyond security and surveillance. It included all the tasks needed to allow the prison to function, such as the transit and movement of the mass of inmates in and out of their cells, workshops, and courtyards. At the time the letter was sent to the DGC, warders got up at five thirty in the morning and, for those who were not on a night shift, work finished at ten thirty in the evening.

There was discontent amongst staff and accusations were made against the prison governor for enforcing 'idiotic' discipline and 'pointless' punishments. As an example, the prison guard Luigi Cammarata was punished with a four-day arrest for taking '350 grams of beans' from the garden without permission. Given the work regime, and the intrinsic value of the 'booty', one may question what this kind of punishment actually meant. In effect, considering the restrictions imposed by the regulations and their working conditions, warders had seen their liberty being severely eroded anyway. Complaints also revealed that the work schedule conflicted with the prison rules on hygiene: since warders could not leave the prison in the daytime, it was virtually impossible for most of them to find a barber shop open and hence to maintain the expected standards of personal cleanliness.³⁷⁸ Not being able to go out during the day also meant that warders could not benefit from public services and had few opportunities to interact with the local population. Surely their sense of isolation was not

³⁷⁷ ACS, *Direzione generale delle carceri 1896-05*, b. 358, fasc. CR Parma - Personale di custodia, f.17287, letter dated 06 August 1905.

³⁷⁸ *Ibid.*, ff. 17290-17291.

unjustified, and their contact with the local community may have been very limited indeed. It is worth noting also that no warder was allowed to go out in plain clothes and this may have contributed to increase social barriers and thwart amicable relations.

Warders' grievances, however, were mainly about their workload. In July of the same year there were denunciations of the working conditions and appeals for change. In particular, there was severe criticism of the lengthy shifts which, for the 'first guard' on daily duty, could last up to nineteen hours without a break.³⁷⁹ Whereas the 'second guard' on duty had an even more burdensome task ahead: starting at five in the morning he would have his break at seven thirty in the evening for dinner, then a three-hour rest from eight thirty to eleven thirty, and then work until seven thirty in the evening of the next day. This actually amounted to thirty-four and a half hours of work with three hours for rest. Regular breaks and a half-day off, as prescribed by the regulations, were consistently denied. In the same years, the workers at the Pirelli factory in Milan fared relatively better: they started at seven in the morning, had a lunch break from twelve thirty to half past one, and finished work at six. During winter, work would start half an hour later and also finish thirty minutes later.³⁸⁰ It was not surprising, therefore, that in an unsigned letter of denunciation to the DGC, it was said prison guards were treated 'like beasts' and 'worse than prisoners'.³⁸¹

Apparently the warders in Parma were not the only ones to endure such conditions. Two years later similar complaints were made in the prison in Castelfranco Emilia, in the Bologna province, where an eighteen-hour shift was in force.³⁸² It could be argued that, coming from prison guards, the complaint might be an exaggeration. However, the evidence suggests that over-extended working hours in understaffed prisons was a real problem which could reverberate in many directions and have unpredictable consequences. The highly centralised penal system did not allow for local solutions and was less than flexible for dealing with a problem that would have required a review of penal policy at the central level. It does not seem, however, that there was any radical change in the following years and the problem lingered on. Thus still in May 1910, the question was raised again by a senior prison inspector,

³⁷⁹ *Ibid.*, ff. 17300-17301.

³⁸⁰ Paolo Valera, *Le terribili giornate del maggio '98* (Milan: La folla, 1899), p. 32.

³⁸¹ ACS, *Direzione generale delle carceri 1896-05*, b. 358, fasc. CR Parma - Personale di custodia, letter dated 29 July 1905.

³⁸² ACS, *Min. di grazia e giustizia – Direzione generale degli istituti di prevenzione e pena – Arch. Generale 1906-1910*, b.122, Fasc. Castelfranco Emilia, 'Il Messaggero', 16 October 1907, p. 3.

Commendator De Angelis, who criticised the prison administration arguing that the prison service, and in particular the warders' schedule, had to be reorganised. It was not only 'impossible' – in his words – to carry on with the eighteen-hour shifts, but also unreasonable to demand that warders did a good job in such conditions.³⁸³ The comment by the senior inspector took place during his visit to Santo Stefano which, apparently, was facing managerial difficulties because of shortage of staff. In this instance, a warder had been transferred from Ancona because of his 'political beliefs', and the prison governor of Santo Stefano was trying to prevent him from sharing his views with colleagues and inmates.³⁸⁴ Despite his 'anarchistic ideas', the prison administration was forced to keep him because of lack of staff. This was another of the multifaceted aspects of the prison paradox whereby the DGC struggled to cope with mass incarceration and, at the same time, tried to pursue prisoners' reform. The warder in this example was of course far from being the desired role model for inmates to follow, and yet he was the last guardian in the battle against 'immorality and subversion'. Indeed, Beltrani-Scalia had been unyielding in his belief in the power of moral reform against crime and political radicalism. The DGC, however, had no other option but to keep the anarchist warder in active service, despite knowing he would never promote the kind of 'moral reform' expected.

As previously mentioned the chronic shortage of staff could have manifold consequences. Most obviously, it put a greater strain on warders who had to endure long hours of work, whilst suffering severe curtailments in terms of rest and time off. Perhaps more importantly, it could also jeopardise discipline. This problem was raised on several occasions. As an example, in March 1906 the prison governor in Genoa consulted with the DGC about unsolved disciplinary issues that were lingering on for too long. It was said that there was 'too much red-tape' to punish warders, the procedures of the local Disciplinary Commission were lengthy, and that because of shortage of staff actual punishment had to be postponed *sine die*.³⁸⁵ Two years later the prison governor in Saluzzo (Cuneo province) also consulted with the DGC in order to tackle a problem that was seen as potentially detrimental to discipline.

³⁸³ ACS, Min. di grazia e giustizia – Direzione generale degli istituti di prevenzione e pena – Arch. Generale 1906-1910, b. 108, letter dated 27 May 1910.

³⁸⁴ *Ibid.*

³⁸⁵ ACS, Min. di Grazie e giustizia – Direzione generale degli istituti di prevenzione e pena – Arch. Generale 1906-1910, b. 119, Fasc. Personale di custodia – Punizioni e concessioni di grazia, letter dated 10 March 1906, p. 15.

Punishment had simply to be suspended because of lack of personnel. According to the prison governor this was undermining discipline amongst warders who felt they could get away with most violations simply because enforcing discipline would have required staff that was not available. Indeed, punishment could not be meted out because that would have brought the service to a halt. Significantly, the prison governor ended his note by suggesting that alternative forms of punishment which had 'an immediate effect' should be implemented. He did not go as far as to suggest corporal punishment as a desirable method to satisfy the urge for 'immediate effect', but the hint was implicit in his words. The DGC, however, dismissed his suggestion and declared no changes would be made to the regulations, and that it was his responsibility to keep discipline, while ensuring the service suffered no disruptions.³⁸⁶

Thus strict discipline revealed its own intrinsic dysfunctionality. In general, the authorities did not have the managerial skills and imagination, nor the political courage needed to tackle the roots of the problem. Instead, they came up with ineffectual and futile solutions. Among these were the 'waiting lists'. Put simply, they meant 'waiting until the next round of punishment can be resumed.' The responses of the DGC were revealing of the intrinsic weaknesses of the penal regime. In October 1907 thirteen warders from Castelfranco Emilia who should have been punished in the disciplinary cells were put on a 'waiting list' because of shortage of staff. The Bologna prefecture sent an urgent note to Rome in which it was said discipline among warders was being undermined because of the actual impossibility of carrying out punishment. Earlier in that year staff shortage had emerged as a main issue in Naples as well, though here the problem reverberated in a peculiar and more revealing way. From the enquiries that followed it emerged that understaffed prisons were not only a chronic problem, but had also become a major issue that prison governors had to deal with, even if that meant the conspicuous breach of rules and the consequent erosion of 'moral reform'. The prison governor, Giovanni D'Ambrosio, was severely rebuked for failing to inform the police and the DGC about a system of fraud that was going on in the Neapolitan gaols. It involved forgery in bookkeeping and the manipulation of the prison accountancy. Seemingly, this was facilitated by the fact that the prison administration had to hire inmates to do the office work because of lack of staff. The full extension of the case emerged in April when D'Ambrosio tried to defend himself against the accusations. According to his declarations, the

³⁸⁶ *Ibid.*, letters dated 27 August and 3 September 1908.

prison administration had recovered the loss suffered from the fraud. Despite the small amount of money that was allegedly involved, D'Ambrosio stated that instances of fraud were far from being uncommon. Instead they happened 'on a regular basis' since lack of staff meant that the prison administration could not cope without the help of '*scrivanelli*' (inmates who did paper-work in the prison offices).³⁸⁷ Whilst defending his position, D'Ambrosio's declaration suggests that the root of such problems lay much deeper than the more visible illegalities that occurred in the administration.

D'Ambrosio justified what appeared to be a cover-up by declaring that he had tried to avoid public attention and, in particular, to prevent the sensationalist press from stirring up things. Undoubtedly the most important element in his statement was the fact that D'Ambrosio was not only acknowledging fraud on a regular basis, but also the chronic shortage of staff which, in his view, was prone to lead the prison system into an almost ineluctable state of perennial corruption. The degree of his outspokenness and confidence was such that he rejected the accusations of gross negligence, and declared his assessment of the situation and subsequent management were the result of a conscious decision, implying that although it may not have enjoyed the support of the DGC, it was nonetheless the right resolution given the circumstances. Considering the culture of conformity and subservience that marked the relations among state officials, D'Ambrosio's self-confidence and boldness cannot fail to seize one's attention. It could be argued that D'Ambrosio felt self-assured in his confidence of the truth, and this gave him the courage to challenge the central authorities despite the scandal. In his letter, the failures of the prison system were presented as a well-known fact that stemmed from an incontrovertible truth: the chronic shortage of staff. Indeed this could not be denied by Rome. Perhaps even more revealing was the following response from the DGC which, despite rejecting D'Ambrosio's explanations, went no further than giving a peremptory order to 'tighten control up', whereas D'Ambrosio was himself to receive a 'severe reprimand'. The response, however, only begged the question of whether there was staff available to carry out such order. After all, staff shortage was the central issue at stake, and in the DGC instruction there was nothing to address that problem in particular. On the other hand, the DGC's 'severe reprimand' seemed to imply a tacit acknowledgement and, although

³⁸⁷ ACS, *Min. di Grazie e giustizia – Direzione generale degli istituti di prevenzione e pena – Arch. Generale 1906-1910*, b. 108, Fasc. Pr. Napoli – Relazioni, inchieste, visite ispettori, letter dated 22 April 1907.

Rome could not admit it, there was a suggestion that, besides the perfunctory reprimand, D'Ambrosio's point made sense, and there was very little the DGC could do about it. In this connection, it is worth remembering that whereas the prison governor in Naples was merely rebuked for what was nonetheless a serious offence involving the cover-up of corruption and misconduct, Luigi Cammarata, the warder in Parma, had been arrested for his '350 grams of beans'. This indeed seems a classic example of the fundamental injustices of the penal system extended to its very operators. Was then the inmates' sarcasm about the moral mission of the prison system seen in chapter three incongruous or over the top? It does not seem so. As for the guards in Naples, if it is true that apparently no warders emerged as perpetrators of the frauds, they were nonetheless an important piece in the mosaic of paradoxes that afflicted the prison system: they were indeed the missing part of a story about the implausible pursuit of 'moral reform'.

Moreover, the evidence shows that the practice of using inmates to do the paper work was generally accepted and was not limited to one geographical area. At the same time as the *scrivanelli* scandal in Naples, investigations were under way in Lodi, in the Milanese province. The same pattern seemed to emerge: the prison was understaffed, an inmate was 'hired' to do the paper-work and irregularities occurred, though it is not clear whether irregularities existed already and the inmate was simply co-opted into a scheme of corruption.³⁸⁸ Here a *scrivanello* updated the prison register, adding new inmates to the books and taking notes of those who were transferred or released. Gaps in the files make it too difficult to have more details on what went wrong, but the case in Lodi can nonetheless reveal some of the most glaring inadequacies of the prison system. Firstly, the principle of isolation of inmates strenuously supported by the prison reformers and policy-makers was severely compromised since the *scrivanello* had all the personal data of his fellow inmates at his disposal, including sentences and penal records. Knowing their names, place of birth and domicile made it all too easy to make contacts outside prison for whatever reason. From the inquiries it emerged that prison staff were unqualified and deficient in number. Thus the administration in Lodi was not only overwhelmed by work, but it had also to rely on inmates to carry out its duties. In particular, the Chief-Warder, who should have been in charge of the prison registers, was

³⁸⁸ This might have served well to shield top officials and the prison administration from the risks involved in the illegal activities.

allegedly unable to do his job because of his 'very bad handwriting'. Perhaps even more significantly, the prefecture in Milan was aware of the situation and, following an inspection, recommended that Villa (the *scrivanello* in question) be punished and replaced as soon as possible. Whether and when should a literate inmate actually replace Villa was not clear, whereas the central authorities said nothing about sending a competent warder to Lodi. Inmates were obviously aware of such deficiencies. In this context, it would be very hard to argue that there could be any realistic expectation that they should look to prison staff, and warders in particular, as role models for rehabilitation and reform. Indeed, Lodi offered a glaring instance of the contradictions of the prison system: if inmates proved to be more qualified than warders, and if the prison administration could not cope with its own work, then what kind of moral example could the DGC teach prisoners? Finally, as the examples show, it became clear that the central authorities had no answer to the chronic shortage of staff, and to the poor standards that persisted in the prison administration.³⁸⁹ As seen from the examples above, these problems did not fit a distinct geographical pattern but affected prisons throughout the nation.

3 – Relations between warders and inmates

The relations between warders and inmates lay at the core of the imagined penal institution as an instrument for rehabilitation. As mentioned earlier, warders enjoyed a privileged position in this sense, since they spent most of their time in direct contact with inmates. Thus prison security staff were expected not only to fulfil their duties but also to be conveyers of 'moral reform'. It is in this penal-reformatory setting that the ambiguities and paradoxes of the prison system tended to emerge in particularly significant forms. It is therefore important to explore the guard-inmates relations in order to clarify the extent to which the human

³⁸⁹ ACS, *Min. di Grazie e giustizia – Direzione generale degli istituti di prevenzione e pena – Arch. Generale 1906-1910*, b. 107, Fasc. Milano, correspondence dated October 1907.

resources of the penal system and the interactions between warders and prisoners could effectively promote the latter's rehabilitation.

Regardless of their working conditions and the serious deficiencies of the prison system, warders were nonetheless in the frontline of the crusade against 'immorality' and for the reform of prisoners. However, as the examples in the first part of this chapter have demonstrated, their work was conditioned by several factors that could have a negative impact on their duties. Moreover, and despite the continuous official rhetoric on 'moral reform', priority in security matters remained central, and the relations between warders and inmates can only be understood within this institutional framework, with all its peculiarities and inconsistencies.

In addition to their low pay, low social status and over-restrictive rules, warders had nonetheless to face the most dangerous scenarios, where their own security and physical integrity were put at serious risk. Violence in prison might be seen as a normal feature of the daily lives of guards and inmates, but it would be too simplistic to imagine that when it came to security warders were in full control and always able to protect themselves effectively. Indeed, the position of warders was far from being secure and personal safety was never to be taken for granted. There is no ignoring the fact that not all cases of violence were reported in the prison registers and, given the patchy nature of the documentation left by the prison administration, it would be a futile exercise to look for statistical evidence. Besides lacking what has never been recorded, we may also lack the benefits of a qualitative analysis of the evidence available. However, the following examples are useful to illustrate the occasions when warders had to deal with violence and pay the price for being in the frontline of a system that was lacking in resources and struggling to cope with mass incarceration. They also show that the relations between warders and inmates were very much influenced by the prison environment, as well as by the belief that a particular disciplinary regime could bring about 'moral reform'. Moreover, violence and the practical needs of prison management would prove that penal institutions had to rely more on compromise and consent, and far less on an

imagined regime of total discipline. As in many cases, 'total discipline' and the uncompromising observance of rules proved impractical and counterproductive.³⁹⁰

On 24 July 1905, an inmate named Andrea Cerasuolo, was transferred from Noto, in Sicily, to Naples for a court hearing. He was about to be sentenced for assault on the Deputy Chief-Warder at the Carmine prison, where he had formerly been kept in custody. Upon arrival, the prison administration in Naples was informed by its Sicilian counterpart that Cerasuolo had been classified as a 'highly dangerous' prisoner.³⁹¹ Cerasuolo was locked up at Santa Maria Apparente (SMA) and put under 'strict surveillance'. On 10 August, however, Cerasuolo proved that 'strict surveillance' was less than perfect and wreaked havoc in the Neapolitan gaol. After eluding security, Cerasuolo broke free into the courtyard and showing boldness and dexterity engaged the guards in a dangerous but ultimately fruitless chase. Looking for his way out Cerasuolo ended up in a cul-de-sac, but unwilling to surrender, braced himself for a desperate, yet fearless struggle. Undaunted by the threatening prisoner who in the meantime had armed himself with a wooden stick and climbed up to a high window, a junior warder, named Francesco Stipa, faced the danger and voluntarily climbed up to recapture Cerasuolo. In the fight that followed both men eventually fell from the windowsill, but the consequences for them were significantly different. Of course Cerasuolo's attempt to escape was seemingly doomed to fail when he was forced by his pursuers to find refuge back in the prison building. Despite this, Cerasuolo suffered only a few bruises and was forced to surrender by Stipa's colleagues who fastened him to the 'epileptic's bed'.³⁹² On the other hand, Stipa suffered permanent injuries. In particular, during the fight Cerasuolo managed to

³⁹⁰ On the conflict between the multiple tasks of penal institutions and discipline see Gresham M. Sykes, *The Society of Captives: a Study of a Maximum Security Prison* (Princeton: Princeton University Press, 1958), p. 127.

³⁹¹ ACS, DGC, Arch. Generale 1896-05, b. 358, Fasc. Napoli CG – Personale di custodia, f. 17190, letter dated 11 August 1905.

³⁹² Also known as '*letto di contenzione*'. A special bed designed to immobilise dangerous or mentally ill prisoners who may otherwise cause harm to him/herself or others. Its use became increasingly controversial in the twentieth century for the risks it entailed for prisoners' safety. An example of this can be seen in *Mamma Roma*, film directed by Pier Paolo Pasolini (1962), in which a juvenile is fastened and left to die on the prison bed. It has been largely abolished, though a recent enquiry found evidence of its use at the Marassi prison in Genoa; see

<http://genova.repubblica.it/cronaca/2016/04/15/news/_anacronistico_il_letto_di_contenzione_polemiche_sul_carcere_di_marassi-137696082/> [accessed 15 April 2016].

bit off the warder's upper lip. Stipa was immediately sent to hospital but that could not prevent him from suffering a serious disfigurement.³⁹³

In the official report that followed the events it emerged that Cerasuolo suffered from 'aggravated psychiatric disorder', and that despite not being designed to host mentally ill prisoners SMA received deranged inmates on a regular basis.³⁹⁴ Its prison governor appealed to the Interior Ministry and stressed the fact that SMA had neither resources nor adequate facilities to ensure security and the safeguard of prisoners and staff.³⁹⁵ This instance of violence also shows that warders would not always use a gun to force an inmate to surrender. As pointed out by Neppi Modona, this was seemingly a common practice in the 1870s, but as the example of SMA shows this was not necessarily bound to happen in the early twentieth century.³⁹⁶ On the other hand, a prison guard might well suffer severe injuries in the attempt to retake control of a prisoner and, as seen in this example, psychiatric disorder could indeed aggravate the risks involved. In the files there are no further documents on the subsequent conditions of the guard Stipa, and it is not clear whether he was able to continue service afterwards. He might have received official commendation for bravery, but whatever was the outcome of the incident, it demonstrates that warders had to work in unsafe conditions, whilst receiving little or no recognition. Despite such serious incidents, there was no concrete effort to improve safety at work.

Apparently, episodes of violence involving mentally ill inmates happened on a regular basis. This further reveals the inadequacies of the prison system, whereby warders often found themselves in a delicate as well as risky situation. Sometimes a single confrontation could also evoke past episodes of violence and provoke a general response in solidarity with a particular inmate. This could undoubtedly lead to a dangerous and unpredictable outcome. As an example, on 06 March 1905 a prisoner named Giuseppe Gambino openly defied the Deputy Chief Luigi Paone, and provoked a situation bound to plunge L'Ucciardone into turmoil. Gambino had been transferred from Aversa to Palermo and, according to the prison governor,

³⁹³ ACS, DGC, Arch. Generale 1896-05, b. 358, Fasc. Napoli CG – Personale di custodia, f. 17190, letter dated 11 August 1905.

³⁹⁴ At the time the incident happened, only Aversa, Reggio Emilia and Montelupo Fiorentino had penal institutions for mentally ill prisoners.

³⁹⁵ For more details on the injuries suffered by Stipa see the prison doctor's report dated 10 August 1905 in ACS, DGC, Arch. Generale 1896-05, b. 358, Fasc. Napoli CG – Personale di custodia.

³⁹⁶ Modona, 'Carcere', pp. 1913-1914.

showed clear signs of mental instability. His frequent violations were often forgiven because of his mental health. However, this was no safeguard for keeping peace and quiet. Unhappy with his dinner, Gambino asked for a double portion. At the guard's reply that this was not allowed Gambino challenged the Deputy Chief and threw his food on the ground. Confrontation tended to spread and involve other inmates when Paone, together with his colleague Pietro Longhini, tried to take Gambino to the punishment cell. On their way to the disciplinary block Gambino put up a fierce resistance and engaged both warders in a fight in the prison central square. Two other warders, Pietro Del Ton and Evaristo Capri, rushed to the site to help, but in the meantime the scene had attracted the attention of many prisoners. Whilst he was still wrestling with his captors a rallying cry in support of Gambino came from the fifth and sixth wards. During the subsequent investigations accusations were made against Del Ton and Capri for beating Gambino and using brutality. The incident did not lead to a full scale riot, perhaps because of the prompt response of the two warders who joined Paone and Longhini, thus stopping the fight from lingering on and permitting heightened emotional participation by the other prisoners. More importantly, inmates could only take part in the fight from their cells as spectators, and give moral support to Gambino. Had they been in the courtyard the outcome would have been quite different. Nonetheless, this example shows that for warders there was a very thin line between safety, security and discipline. According to the institutional rules, letting Gambino carry on with his vehement protest and challenge the Deputy Chief could not be tolerated. On the other hand, a warder's over-reaction could not only lead to a serious threat to order and discipline, but could also jeopardise the warder's own safety.³⁹⁷

Moreover, the accusations against the warders were not without foundation and concerned in particular Capri. The prison governor was aware that because of his track record Capri did not enjoy the inmates' esteem and, in order to prevent further retaliation, asked the DGC to move him away from Palermo.³⁹⁸ Thus the inmates' reaction to the incident served as a warning: it indicated that the safety of a prison guard might be at risk if he continued to work at L'Ucciardone. This example shows that the dynamics of power in prison were far more

³⁹⁷ ACS, DGC, Arch. Generale 1896-05, b. 358, fasc. Palermo – Personale di custodia, f.17116, letter dated 7 March 1905. On the often dangerous and unpredictable dynamics of prison riots and warders' attitudes, see Sykes, *The Society of Captives*, pp. 49-50.

³⁹⁸ ACS, DGC, Arch. Generale 1896-05, b. 358, fasc. Palermo – Personale di custodia, f.17116, letter dated 7 March 1905.

complicated than the common assumption about obedient inmates and unchallenged commanding warders.

On the other hand, it would be a mistake to assume that inmates would always cooperate and join forces together against prison guards. The prison environment, with its hardships, peculiar rules, and constraints, created a great number of challenging situations for both inmates and staff, and in most cases these could only be managed successfully, and with the least risk, by negotiation and compromise. Blatant disobedience and violence were indeed bound to create destabilising effects, and yet prison governors, together with the more experienced warders, were all too aware that peace and quiet could not rely on sheer force. To be sure, an inmate could be beaten up and put in solitary confinement, and sometimes be kept there as punishment for as long as six months. Yet, this could not be a primary rule to govern the prison, nor it could be done to all inmates, if for no other reason, than because there were neither the staff, nor the facilities to enforce such a draconian policy. The following examples will show that the very nature of the prison system left little room for the pursuit of immutable and absolute moral values that could draw clear lines between warders and inmates. Despite their opposite roles within the penal sphere, and the alleged mission of warders to bring about 'moral reform', life in prison, with all its predicaments, helped to blur the lines between the two categories.

On 5 May 1904 the warders at L'Ucciardone once again found themselves in a rather tricky and threatening situation. As in many cases, the time of food distribution provided the opportunity to trigger off pent-up frustration, and discontent was often released in a violent manner. Antonino Greco, a twenty-one year old from Palermo who was awaiting trial, after receiving his daily ration of food threw it at the Deputy Chief Giovanbattista Pagliani. The situation in the sixth ward quickly took off when Greco armed himself with glass bottles and wooden sticks. Uttering threats to the prison staff Greco barricaded himself inside a dormitory cell. By throwing missiles he prevented anyone from entering, whereas the other inmates sought refuge at the back of the cell and out of Greco's range. There was an attempt by prison staff to convince the inmates in the cell to use their blankets to capture and immobilise the enraged inmate, but they refused declaring that they 'were not paid by the government to risk their lives'. In assessing the situation, the prison governor made the decision that, regardless of risks, warders would have to storm the cell and put Greco out of

action. Waiting could only make matters worse since there were rumours that prisoners in the seventh ward were ready to take advantage of the situation to trigger a major riot. This would have created significant difficulties since prison staff would have to face two crises at the same time but in different wards. Furthermore, the prison governor felt the need to show that warders were ready to face any danger. Therefore there could be no delay and a plan was devised for the operation. Interestingly, this was not to be conducted by warders only. Whereas before prisoners in the dormitory had refused to collaborate, after the decision was taken by the prison governor attitudes changed, at least in two cases. Thus two inmates joined four warders, and in a mixed team of prison guards and inmates they together stormed the cell and despite the bottles and other missiles put Greco out of action. None of them suffered major injuries. Besides having been classified as 'deranged', Greco was also a recidivist, having been arrested five times for 'unlawful possession of weapons'. The prison governor, together with the prefect, wanted the four warders to be officially praised for their bravery, and also be cited as an example to show that the prison administration was ready to commend its best guards. No particular mention was made of the two inmates.³⁹⁹

However, stories about virtuous cooperation and team work were far from being the typical pattern in the relations between warders and inmates. The prison environment was more likely to foster feelings of fear and mistrust. With its peculiar rules and daily hardships it offered plenty of opportunities for aggressive behaviour and confrontation. Despite its inadequacies, being in direct contact with prisoners, warders had the most difficult part of the job which involved finding a balance between security, peace and rehabilitation. However, there was no absolute answer, nor infallible formula for achieving that balance. As in any human relations there were a variety of imponderable factors that changed according to different circumstances, and warders had to adapt and change, playing it by ear. Nonetheless, they were expected in any case to prevent a breakdown in discipline.

As previously seen, meal's time was typically a critical moment in the prison daily routine. Discontent for whatever reason could find expression in a variety of ways, but food, for all that it represents in terms of subsistence, health, culture, emotional bonds, and pleasure, offered a particularly suitable reason for complaint and, in the worst cases, for confrontation

³⁹⁹ ACS, DGC, Arch. Generale 1896-05, b. 358, fasc. Palermo – Personale di custodia, f. 17158-17161, letter dated 28 May 1904.

and rioting. Once more warders were in the frontline, and safety and security in prison relied to a great extent on how they managed such situations.

On 21 December 1904, in the Parma Penitentiary, Angelo Cerasco refused his ration arguing that it was 'substandard'. The Chief-Warder, Vincenzo Camilli, trying to avoid confrontation, ordered the prisoner's meal to be changed. A new one was fetched but to no avail. Worried that complaints would spread and trigger a riot, Camilli decided to remove Cerasco from the refectory and lock him up in a cell for later punishment. Although the measure was successful in permitting the continuation of the catering services without further disturbances, the inmate's reaction would give the warders a very unpleasant job soon afterwards. In that same night Cerasco barricaded himself inside the cell, and as spartan though it was, made use of the cell's furnishings to take control of the situation. After smashing a water-jug Cerasco inserted its fragments into the lock making it difficult to open the gate of the cell. The consequence was that the night-shift warders, who had to do the security checks in all cells, could not open the gate quickly. This meant that in order to unlock it they would be in a vulnerable position within range of Cerasco, who could hit any of them through the bars. This was indeed his declared intention. In the meantime, Cerasco prepared a noose with his bed sheets to hang himself. Thus the scene was set for trouble for the warders, and this was for two main reasons: firstly, because in case of suicide it was unlikely that any of the guards would have managed to get into the cell quickly enough to prevent it; secondly, blocking the lock had been possible only because Cerasco had been left unsupervised, and the cell contained objects that could be used for that purpose. In both cases it was the Chief-Warder's responsibility to make sure safety and security measures were in place to prevent that situation from developing. However, as we have seen in several examples, it is very unlikely that there were staff available to carry out all checks and surveillance duties. It was, therefore, more a consequence of the system's own deficiencies, and highlighted once again the impact these had on security and on the relations between guards and inmates.

After a fruitless attempt at negotiation, the following morning the prison governor Montecchi gave orders to break into the cell. Seven warders, including Camilli, took part in the operation and Cerasco proved he would not give up unless by overwhelming force. Realising by then his position was hopeless, and in a desperate attempt to repel his captors, Cerasco threw solid waste over the guards. The latter did not retreat and in a few moments Cerasco was captured

and put out of action. No warder suffered major injuries during the operation. On the other hand, Cerasco would still prove obstinate, and even after being tied down would continue to threaten the warders, shouting abuse and spitting at them. The case lingered on because of Cerasco's persistent refusal to take food and his threats to prison staff. Although it would be impossible to prove, given the circumstances and his behaviour, it is very likely that he was beaten up by the guards, as he declared during the inquiries that followed. What is certain, however, is that nobody managed to get control of Cerasco without violent means and the use of the 'epileptic's bed', to which he may have been confined on until 30 December. Indeed, Montecchi expressed his belief that Cerasco's behaviour could only be explained by a 'serious mental disorder', but this was rejected by the prison doctor Brizzi, who nonetheless admitted that Cerasco could be brought under control only by force. Cerasco might have been ill, but given the few documents available it is not possible to ascertain the truth. On the other hand, this example confirms that warders had to face dangerous situations that originated from the prison's own inadequacies. This made it more difficult to find the balance between security and discipline, and the oppressive prison environment did little to defuse violence and confrontation. Moreover, feelings of insecurity, fear and mistrust could not in any way be conducive to 'moral reform', whatever it might have meant to the government and the central authorities.⁴⁰⁰

Angelo Cerasco was a twenty-nine year old sailor from Bargagli, in the Genoa province. A recidivist, sentenced to three years and ten months in prison for larceny, he had been previously cautioned and sent to the Favignana Penal Colony. During his time in prison he worked in different workshops, including furniture-making and textiles. As for his disciplinary record, Cerasco roughly reflected the typical convict, with punishment and violations within the average for the time. Shortly before the refectory incident Cerasco had just done a twelve-month period in solitary confinement as part of his regular sentence. On 4 January 1905 Cerasco appeared quieter and was finally brought before the Disciplinary Commission. The latter took in little consideration his mental conditions and stuck to the usual punishment in the form of lengthy segregation: Cerasco was given another six months of SCC, thus amounting to a year and a half in isolation.⁴⁰¹ No further documents were left in his file, but

⁴⁰⁰ ACS, DGC, Arch. Generale 1896-05, b358, Fasc. Parma CR – Personale di custodia, ff. 17310-17317, correspondence dated from 26 to 30 December 1904.

⁴⁰¹ *Ibid.*, ff. 17319-17321.

it is not hard to imagine that lengthy spells in solitary confinement could do little to improve anyone's mental health and behaviour, and certainly did nothing to make the work of warders less challenging. The first twelve-month period of SCC may well have originated Cerasco's mental disorder, thus proving that the prison system itself created at least some of its own troubles.

Despite strict rules being enforced to prevent conversations and closer relations from taking place between prisoners and staff, such rules proved to be impractical and on many occasions went unobserved. This was even more so in workshops where machinery had to be operated and coordination amongst workers was required for the task to be accomplished. Nonetheless, and besides the technicalities involved in some works, warders and inmates shared the same space, sometimes for years, and not surprisingly got to know each other all too well. As previously mentioned, the prison environment, with all its peculiarities and hardships, created many opportunities for violence and confrontation. On the other hand, this was far from being a taken-for-granted norm that regulated the relations in prison. Indeed, over-restrictive and irrational rules, as well as the privations and pains of incarceration could somehow be mitigated, or sometimes even overcome or by-passed. Bribery, corruption or other forms of illegalities, or the simple non-observance of certain rules, made it possible for some inmates to have less of a hard time in gaol. Instances of more humane guards who would close their eyes to violations can also be found. To a great extent this depended primarily on the relations that existed between warders and inmates, but also on the working conditions and the type of discipline the central authorities were trying to enforce. The following examples will show the importance of the prison regime and its impact on human relations, and how these could either prevent or foster any form of rehabilitation.

In early May 1897 the prison governor in Castelfranco Emilia, Michele Esposito, started extensive enquiries into what seemed to be a widespread corruption network involving several warders, inmates and outsiders. At CP Castelfranco there was a large textile workshop with 103 looms, and the prison had a total of 700 working inmates. Among other things, linen

was produced for a variety of uses, and some was also sent to other prisons such as CP Parma.⁴⁰²

According to the documentation left in the files it is certain that theft, trafficking and smuggling in Castelfranco were happening on a regular basis. Apparently, seven warders were directly involved and the Deputy Chief, Giovanni Monselesan in particular, had a deal with a long-term prisoner, Gualtiero Fumo, who headed up the workers in the textile workshop. As the supervisor in charge of the workshop, Monselesan was responsible for checking the production and ensuring every inmate-worker met the requirements for the daily production of linen. Fumo, on the other hand, was responsible for the distribution of raw material to the weavers. The investigation revealed that Monselesan and Fumo exploited their position to make an illegal profit. Whereas Monselesan made fake accounts of the actual output, Fumo funnelled off part of the production together with other inmates. This allowed for a traffic in linen and other products that would be smuggled out of prison by warders. The prison administration, together with the Ravà Textile Company, owner of the machinery and raw materials, were thus deceived because the accountancy office trusted the Deputy Chief and there was no apparent reason to double-check the books filled in by Monselesan.

However, and despite the economic importance of the workshop, it should not be assumed that warders and inmates were making a fortune out of their murky deals. During the investigations the prison authorities made large use of police powers and conducted thorough searches inside as well as outside prison. Seemingly, the material gain of most of the warders involved was rather underwhelming. As an example, prison guard Beniamino Guerrini had used some cloth from the workshop to make 'four shirts and four pieces of underwear' for his personal use, while his colleague Domenico Sensini had similarly made 'two shirts and a pair of trousers'. Their clothes were confiscated for further investigations. Apparently, some warders and inmates used the scheme mainly as a way of improving their lives in prison, and this was particularly true of their diet. Thus the daily consumption of wine, meat, brandy and even luxury goods such as chocolate, was well above what an average warder and inmate would have been able to afford at the time. Although warders did send

⁴⁰² For all the information regarding the case at Castelfranco Emilia, see ACS, DGC, *Arch. Generale 1896-05*, b. 19, fasc. Castelfranco Emilia.

some cloth and linen to their families, it seems that their main concern regarded their immediate living standards in the prison.

Amongst the members of the gang there were also instances of camaraderie and, in defiance of discipline and the drab and insubstantial prison meals, small 'feasts' were organised in the workshop with warders and inmates sharing food. At times, this included food that would never be seen on the prison menu such as sausages, cheese and even a roast chicken. Food was not to be taken for granted though and, unusual as it might seem, the prisoner-weavers also had a cat cooked for dinner. What is more remarkable though, is not so much the kind of food they had, but the liberty and protection they enjoyed. Of course, without a mutual interest and the cover-up provided by the Deputy Chief, none of this would have been possible.

The scheme also extended to those areas where prison regulations were particularly strict and hard-hitting. Thus correspondence became a main business to be exploited, with inmates paying bribes to a 'postman' to smuggle their uncensored letters out of prison. This was indeed a remarkable infringement of prison discipline, for being able to write freely and tell one's own truth was most likely to give inmates a sense of independence and self-empowerment unknown in the oppressive prison environment. In particular, it broke their isolation. Together with news from home inmates received pictures from their family and friends. To keep pictures was forbidden, and even the picture of one's own parents and children would not be allowed in.⁴⁰³ Although money was also used, it is worth remembering that 'bribes' in this context meant above all food items. Newspapers, cigars, liqueurs and whole parcels sent by inmates' relatives also found their way into Castelfranco.

During extensive interrogations it was revealed that the scheme of corruption had been in place at least since August 1896, but it was possible that it had started earlier because Monselesan had been at the head of the textile workshop since March 1894. The prison administration eventually uncovered the scheme, and it emerged that at least seven warders and seven inmates were directly involved in the smuggling, whereas thirty-five prisoners

⁴⁰³ Though in some cases the DGC would instruct governors to keep pictures of inmates' relatives in the prison archive. It was aimed at exploiting their psychological vulnerability; an inmate may be shown occasionally the picture of his mother, for example, as a reward for compliance. Neppi Modona, *Poteri dello stato*, p. 396 (n. 52).

testified in the inquiries. Apparently outsiders were also involved, including two women who worked in town and collaborated with warders, helping them with the sending of correspondence and smuggling parcels.

In a sense, the prison system, with its over-prescriptive regime and chronic deficiencies created the conditions for such schemes to take place. Thus corruption in Castelfranco also developed as the result of the over-restrictive rules imposed on both inmates and warders. As discussed previously, this often bordered on the absurd.⁴⁰⁴ This created a demand for 'services' that were unavailable by legal means. Moreover, poor working and living conditions pushed both categories of men to consciously violate the rules. This was not always the result of the men's solidarity, and any service or out-of-menu food had to be paid for. In some cases inmates were also coerced into joining the scheme and were silenced by fear of retaliation. Despite the individual motivations to take part in corruption, the case in Castelfranco reveals the intrinsic flaws of the prison system. It shows that the rhetoric of moral reform based on discipline and hardship was alien to both warders and inmates, and as such it was doomed to fail.

Despite the tangible benefits that some warders and inmates had for some time, the outcome of the Castelfranco case was less than auspicious. On 18 May 1897, with investigations still under way, Raimondo Mella, one of the main protagonists amongst the warders, was found dead in the disciplinary cells with his 'throat cut with a kitchen knife'. Allegedly, after confessing his participation in the scheme and the names of his colleagues, he was supposed to have committed suicide. This was according to the official version given by the authorities, though the way he died strongly suggests he was murdered in order to prevent further revelations. Additionally, three warders and four inmates were reported to the courts for theft; the Deputy Chief, together with six prisoners, were reported for fraud; and five inmates and three warders (including Monselesan who was charged twice) for corruption. Thus the failure of prison discipline as moral reform became self-evident, with captors and captives all sharing together a similar fate and the same moral condemnation.

⁴⁰⁴ It was indeed the case that a prisoner would not be allowed his own underwear, or that a calendar sent by an inmate's relative would not pass security because it was decorated with a 'small picture of a beautiful girl'. *Ibid.*; Giulianelli, 'La prigioniera, discriminante esistenziale e politica', p. 24.

The case also revealed the despair of a prison governor who expressed his disillusion with all security staff and his feeling of isolation and helplessness. In a letter to the DGC dated June 1897 Esposito voiced his distrust and even contempt for his guards who, in his words, lacked 'morality, skills and authority'. Out of fifty-five warders only one had been able to sit the exams for promotion and failed. Besides the warders who had been reported to the magistracy, Esposito asked the ministry to remove another eight guards whom he defined as 'untrustworthy'. Yet, his predicament seemed far from being relieved by Rome. As replacement for the seven warders lost (one dead and six in custody awaiting trial) the DGC sent two apprentices and three warders with 'very bad disciplinary records'. Thus numbers not only went down further, making the warders' rota even tighter, but there was also a lack of 'quality'. Although acknowledging that the Ministry had no funds to send new guards Esposito sent a final appeal to Rome, explaining that the critical situation in Castelfranco was bound to deteriorate further. The penitentiary was not only severely understaffed, but also had to cope with the expansion of the textile workshop which had been already approved and would see the addition of thirty new looms. In particular, Esposito asked for an official responsible for the supervision of the textile works. It also became clear that the industrial characteristics of the workshop required a different type of management, which in turn would have required a relaxation of prison discipline and a policy of keeping the wages of the inmate-weavers in line with the earnings of the textile industry in free society. Esposito did not make any suggestions in this direction, but the crisis in Castelfranco revealed the incompatibility of a strict prison regime with the needs of a technologically more advanced industrial activity. If such measures had been adopted, higher wages would have consequently raised the living standards in the prison, but this was fundamentally opposed to the principle of less eligibility, and the idea that discipline and hardship could have a rehabilitative effect on inmates. From Rome's point of view, such changes would have necessarily also entailed a rise in the wages of warders and, given budget limitations, and the general disregard for the actual working conditions in prisons, this would have seemed indeed too revolutionary a policy to be seriously taken into consideration.⁴⁰⁵

Moreover, Esposito expressed his disappointment with the Deputy Chief Monselesan, who had been given the role of supervisor by Monzani, Esposito's predecessor. Monzani had

⁴⁰⁵ ACS, DGC, Arch. g. 1896-1905, b19, fasc. Castelfranco-Napoli, ff. 16240-16245, letter dated 11 June 1897.

chosen Monselesan because of his track record and for being a senior warder. After the scandal was revealed, Esposito's trust in the Deputy Chief, as well as in the other prison guards, was shattered. The need for an official responsible for supervision in the workshop, and the sense of isolation of the prison governor were confirmed by the bookkeeper of the Ravà Textile Company, who declared that if warders and inmates had an 'agreement to cheat' then it was impossible to prevent it. The daily output was too great and to have an extra person to double-check the registers would have been uneconomical. On the other hand, the Ravà Company would not acknowledge that it owed most of its profits to the extraordinary regime of low wages that was permitted by penal legislation. It allowed not only the consistent exploitation of an extraordinarily cheap labour force, but also secured the production against the action of trade unions (there could be no strikes in prison), whereas enjoying a market that was shielded from competition (the state was the company's main customer). Thus whilst complaining about the costs of control, the company 'forgot' to consider it was enjoying a privileged position in terms of market and labour regulations. It was clearly advantageous and profitable as demonstrated by the plans to expand the workshop.

For inmates work was undoubtedly important, as it permitted to make some savings or to partially mitigate the hardships of life in prison. However, this was too limited in scope and remained confined to the penal institution and its oppressive rules. Inmates were aware that their wages were squeezed beyond what would have been possible in the free market, whereas prison rules frustrated most of the rewards and satisfaction that one could get from labour. Moreover, in the narrowmindedness that dominated the prison environment, there was no real attempt to innovate and look forward. Considering the importance of the textile industry in Italy at the time, there were no concrete plans to facilitate the transition from the prison workshops to the free market after release. This may have boosted inmates' motivation and given them concrete reasons to behave and perform well at work. Moreover, this may have served as a jumping point to real rehabilitation and social reintegration. But instead, the DGC focused on its mean regulations and petty rewards which seemed preposterous and could hardly serve as a reasonable goad to reform. This in turn made the warders' job harder, because whereas having to enforce discipline, inmates' reform relied on the empty shell of prison rhetoric, with no real outlets for social and economic progress. The

work of the Deputy Chief was not appreciated either. In fact, he had no extra pay in recognition of his job as a supervisor in the workshops, though this did not free him from his regular duties in the daily running of the prison.

Thus from both the warders' as well as the prisoners' point of view, work was organised as a capitalist enterprise adapted to a penal setting, but without the economic and social bonus attached to it. The chief beneficiaries were the textile company and the state, whereas prisoners and warders, the actual *artifex* of the goods produced, remained largely unrecognised and under-rewarded. None of these aspects were discussed at any point during the investigations, and there was no room for self-criticism or a reflective approach to the problems that emerged. The prison governor chose instead to focus on ethics, as if all the prison troubles originated from a 'moral deficit' or, to recall a term dear to Beltrani-Scalia, 'lack of willpower'. His comments on warders' failure to advance in their careers through state examination is symptomatic of this mindset. He did not wonder whether shortage of staff, tight schedules, and chronic sleep deprivation could possibly be among the reasons for poor performance at state examinations. He believed instead that it was a 'problem of morality', because warders were allegedly 'lazy and passive'. In his assessment, there was no sign of awareness that certain practices needed to be reviewed. The conclusion drawn from the case by the authorities was that 'nothing worked' because the human capital in prison was worthless. Captors and captives were deemed to be equally corrupt, dishonest and amoral. Other top officials shared analogous views and Beltrani-Scalia would emphasise that the prison predicaments originated from corruption. This was encapsulated in his slogan-sentence: 'The system is the man', which he coined whereas arguing that the key ingredient to achieve inmates' reform was to be found in the high standards of morality among prison staff.⁴⁰⁶ In general, this persistent belief in 'moral reform' or 'high moral values', as the key for successful ruling, reflected the political principles held by the moderate liberals and their general attitude of distrust towards the masses. Not surprisingly, in the Castelfranco dossier only the management remained candidly unblemished, and the crisis, examined top-down, was depicted exclusively as a moral problem.

⁴⁰⁶ Beltrani-Scalia, *La riforma penitenziaria*, p. 286.

Bribery and corruption were undeniable facts in Castelfranco, however, the authorities' report lacked the frankness previously seen in D'Ambrosio's evaluation in Naples. Whereas Esposito took it as unacceptable that corruption could take place in prison and that rules should be observed thoroughly no matter what, the latter, more realistically, sought to indicate some of the reasons that could lead to misconduct. Significantly, the Interior Ministry, in keeping with its authoritarian policies, tried to avoid a debate on those very reasons.

The examples of Castelfranco and Naples are representative of the general conditions of the prison system. Indeed, most penal institutions were understaffed, working conditions were poor and discipline fragile. In both examples lack of security staff played a crucial role, creating favourable conditions for the development of a system of corruption. Although in Castelfranco a senior warder was in charge, during the investigations it also emerged that Monselesan was very often absent because of his other duties, and thus controls were bound to be lax and fitful anyway. Moreover, it also revealed a crisis of management and trust which involved prison guards and the higher rankings in the DGC. If warders were deemed to be untrustworthy, their working conditions, lack of support, low pay and social status made it unrealistic to expect high standards and professional devotion. There was no coherence either in expecting warders would promote 'moral reform' in inmates. In understaffed prisons, the consistent erosion of discipline by captors and captives proved that reform and rehabilitation could not be achieved in similar conditions. The notion that poorly paid and worn-out warders would have given a virtuous example to inmates was at best illusory, at worst ironic. As seen in various examples, warders shared many points in common with prisoners, and were perhaps as vulnerable and in need of assistance as the latter. In trying to enforce a particular disciplinary regime the prison authorities clashed with the human side of a penal system marked by profound inadequacies. They would continue, however, to pursue the unrealistic goal of inmates' moral reform and, like Michele Esposito, blame the warders for failure.

Conclusion

*'Punishment shall not entail inhumane treatment and shall aim at the rehabilitation of convicts.'*⁴⁰⁷

The political importance attached to a nation's penal system is undeniable and has been acknowledged in many instances throughout history. Ranging from Gladstone's criticism of Bourbon gaols in the mid-nineteenth century, to Turati's denunciation of the state of prisons in Italy at the beginning of the twentieth century, prisons have always been at the centre of a heated public debate.⁴⁰⁸ This has changed little over time and is not a problem confined to a single country. In the last quarter of the twentieth century, HM Maze Prison, near Belfast, became a focus for violence and bitter political conflict, while in April 1990, the longest prison riot in British history broke out in Manchester's Strangeways Prison due to the intolerable conditions of confinement.⁴⁰⁹ In 2007, at the end of the Labour government led by Tony Blair, the prison service in England and Wales was described as 'shameful for our society'. Nine years later, no significant change had taken place, and the Conservative cabinet headed by David Cameron had to acknowledge a state of persistent 'failure' in Britain's prisons.⁴¹⁰

As suggested by a historian of nineteenth-century prisons, the recognition of 'failure' is a recurrent theme in the public debate on prisons.⁴¹¹ On the other hand, this does not seem to undermine society's trust in penal institutions, which tend to remain as permanent points of

⁴⁰⁷ Article 27 of the Constitution of the Italian Republic (27 December 1947).

⁴⁰⁸ William E. Gladstone, *Two Letters to the Earl of Aberdeen, on the State Prosecutions of the Neapolitan Government* (London: John Murray, 1851).

⁴⁰⁹ For a summary of the Maze's history see Henry McDonald, 'Maze prison redevelopment gets green light', *Guardian*, 18 April 2013, <<https://www.theguardian.com/uk/2013/apr/18/maze-prison-redevelopment-green-light>> [accessed 12 August 2016]; Chris Ryder, *Inside the Maze: The Untold Story of the Northern Ireland Prison Service* (London: Methuen, 2000). On the Manchester prison riot see Eamonn Carrabine, *Power, Discourse, and Resistance: a Genealogy of the Strangeways Prison Riot* (Aldershot: Ashgate, 2004).

⁴¹⁰ Erwin James, 'Prisons must be a priority for Brown', *Guardian*, 25 June 2007, <<https://www.theguardian.com/society/2007/jun/25/1>> [accessed 24 June 2016]; 'Prisons 'overhaul' announced by David Cameron', <<http://www.bbc.co.uk/news/uk-35518477>> [accessed 08 February 2016].

⁴¹¹ Anna Capelli, 'La storia penitenziaria: fonti e metodi', in *Le colonie penali*, ed. by Da Passano, pp. 17-26 (p. 20). 'Failure' and related terms have become part of the very title of recent works on prisons, see for example Vicky Pryce, *Prisonomics: Behind Bars in Britain's Failing Prisons* (London: Biteback Publishing, 2013).

reference for punishment in our social and institutional landscape. Thus, after a final denunciation, the debate is resumed by new political players who push for yet another reform, be it for a tougher regime or otherwise. The conundrum of reform as a perennial frustration, and the simultaneous persistence of the prison system in society, are signs suggestive of the apparent inability to replace prisons with a suitable alternative. This also shows, however, that penal systems are far from being a straightforward issue, and that an answer to the 'prison predicament' cannot be found in technical or scientific solutions. As seen in the present study, 'scientific punishment', whether in the specific regimes developed in Jacksonian America and subsequently adopted in Europe, or in the form of 'criminal anthropology', frustrated many expectations and caused great harm to those directly involved. On the other hand, penal systems are closely connected with the political and social values of a given community or nation, and hence are indicative of the collective principles that should inspire and guide the nation. In this sense, they are a juridical expression of how the nation understands itself and of what society should look like. Put simply, they are part of a nation's identity, and hence are fundamental for our understanding of our own past and present. At the core of the penal system, prisons represent the concrete realisation of the nation's penal programme.

The penal apparatus of Liberal Italy in the late nineteenth century represented a unique experience of social and political supervision of a mass of prisoners and warders in a period of immense social and political change. The present study has tried to understand inmates' and warders' responses to the penal project, and in relation to the moderate liberals' idea of nation-building. This bottom-up view from within prisons was absent from the history of the Italian penal system.

This thesis posed the questions: 1 – What was the moderate liberals' penal policy in post-unification Italy? How did they think the reform of inmates could be achieved? 2 – What were the responses of prisoners and warders to that particular penal pedagogy? These questions led to the clarification of some aspects of the social and political project that inspired the reforms and, at the same time, gave us the opportunity to understand how such policies were received by members of the popular classes. Thus both the penal regime and the responses of prisoners and guards can reveal how the reforms fitted into the larger political project of the moderate liberals, and how the lower classes experienced such reforms.

After a lengthy formulation process, marked by inconclusive debates, ministerial reshuffles, and the successive appointment of new commissions, an agreement was reached on the final draft of the new penal code, issued in 1889. As pointed out by legal historians and jurists such as Mario Sbriccoli and Elvio Fassone, the *Codice Zanardelli* represented the triumph of the classical penal school which, despite the advancement of the positivists, reassured the most conservative sectors of the bourgeoisie and the propertied classes. Despite innovating and getting rid of penalties typical of the *ancien régime*, such as the death penalty and corporal punishment, the penal code, together with police regulations, provided the legal means for the defence of class interests and the persecution of the extra-parliamentary opposition. On the other hand, there is an important aspect of the liberals' penal policy and their prison system that has been overlooked by historians. Their insistence in keeping with the principles of the classical school did not originate just from a narrow view based on class interests, or from an *a priori* rejection of the positivist school. In fact, before the final draft of the penal code was submitted for approval, Zanardelli would consult with members of academic circles and scientific societies seeking advice and contributions for improving the new legislation. Therefore it is not the case that the positivists had been excluded from the debate. There is no need here to repeat the reasons that prevented Lombroso and his school of criminal anthropology from having a decisive impact on the new penal code. It is worth noting, however, that the conservative nature of the reform was not simply related to post-unification political and social turmoil, nor was it a mere reaction to a rising labour movement and economic recession. The ideological basis of its conservative character actually harked back to the early Risorgimento. In fundamental ways it mirrored the political views that had been defended by the romantic liberals for almost a century. As demonstrated by Giulio Bollati, this conservatism was expressed in a variety of literary texts and political programmes since Napoleon's invasion of the peninsula. Ranging from the question on national defence raised by Greppi, to the concerns of Federico Confalonieri over popular participation in the liberation of Lombardy from Austrian rule, the political ideas of the liberal elites were characterised by a profound distrust of the masses.⁴¹²

This attitude, however, proved to persist over time and found keen supporters in the bureaucracy of the new state. This became evident in the wake of the reforms sponsored by

⁴¹² Bollati, 'L'italiano'.

the left, when the government showed the resolve to reform the prison system. Despite being unable to influence the drafting of the new penal code, Beltrani-Scalia, with the political support of Francesco Crispi, had the autonomy to carry out a thorough reorganisation of prison discipline. Given his leftist revolutionary and anti-Bourbon past, one might expect him to aim at a progressive reform. Although it is true he could not reform the prison bureaucracy himself, he could have shaped the General Prison Regulations as an instrument to promote the rehabilitation and the effective reintegration of inmates in society. In this context, it has been argued that the scope of the reform had been significantly undermined by cuts in public spending, and that, in any case, it would have had a 'negligible' impact.⁴¹³ Indeed, the austerity measures mentioned by Romanin Jacur as justifying inhumane conditions in prisons, did have a negative impact, especially on the refurbishment of prison buildings. Yet they did not prevent the DGC from reshaping prison discipline, and this was the field in which Beltrani-Scalia played a crucial role. As discussed in the introduction, prison discipline is a key factor which tends to influence all other activities inside prison, and this is why it has to be considered above other areas of prison life, such as education and religion. In such a critical area, however, the reform failed to create rules to facilitate rehabilitation. As seen in various examples in chapter three, the prison regime became over-concerned with the enforcement of petty rules and futile prescriptions which led inmates into a vicious circle made up of endless rounds of punishment. It became an end in itself with no meaningful purpose, and thus could not be considered as helping to promote any kind of rehabilitation.

Had Beltrani-Scalia forgotten his ideals for social reform? Was he not in a position to make a positive impact on the lives of inmates? Beltrani-Scalia was indeed an internationally renowned reformer and an experienced prison inspector who enjoyed the support of an eminent political leader. He could have given prison discipline a new direction. However, as seen in many examples and in the analysis of the GPR, his reform frustrated expectations of a more progressive system. On closer examination, however, it is possible to affirm that Beltrani-Scalia had already shown signs of social prejudice and political conservatism even before the reforms were approved. In his work as a civil servant and public figure, he showed an attitude strikingly similar to the mindset of some key figures of the Risorgimento. In fact, moral reform was an obsessive concern in the latter's discourse on nation-building, and this

⁴¹³ Duggan, *Crispi*, p. 575.

would become not only the guiding principle of prison discipline, but also have a direct impact on inmates and their prospects after release. An early example of prison policy based on 'moral reform' occurred in connection with the broader social and economic developments under way in the years preceding the reform. In this context, fear of immigration in urban centres and distrust of the lower classes led the prison administration to prevent inmates from acquiring skills that could equip them for work in big cities or industrial areas. In other words, in the prison work allocation the DGC would make sure that inmates from a rural background would remain unskilled manual labourers, in the hope that after release they would go back to the countryside and not seek employment in big cities. As defined by the Piedmontese reformer Petitti di Roreto, the latter were 'centres of vice of the new world'.⁴¹⁴ This attitude, however, did not relate solely to prisoners. It involved the general population, and was epitomised by the debate about land reclamation near Rome in the 1880s. In this context, a peculiar analogy was made between prisoners and the free population. Whilst the government justified inhumane conditions in prisons with the argument that austerity imposed many sacrifices on 'good and decent folk', Beltrani-Scalia would turn down the plan to employ free labourers (i.e., the 'good and decent' people the government referred to) in the land reclamation, and preferred instead to employ convicts. He argued that it would be politically dangerous to gather many workers near the capital city, while prisoners, on the other hand, would pose less of a risk. It follows that, according to Beltrani-Scalia, free labourers were untrustworthy. Thus, in his view, there were no 'good and decent folk' worth trusting among the masses anyway, and his convicts, because they were working under the supervision of armed guards, offered a more reliable alternative. Hence the persistent discourse on moral reform did not just concern prisoners, but virtually the whole of the lower classes. It therefore concerned the majority of the Italian people. Earlier in the century, the 'Italian moral problem' had indeed been a constant in the discourse of the romantic liberals. In 1821, while planning to overthrow Austrian rule in Lombardy, Pietro Borsieri expressed in forceful terms his distrust of the people, and defined them as 'lacking any physical or moral strength'. On that occasion there was a good deal of preparation on the part of the patriots led by Confalonieri to prevent the common people from taking part in the insurrection.⁴¹⁵ Even though Beltrani-Scalia's land reclamation was less grandiose than the battles, real or

⁴¹⁴ Bollati, 'L'italiano', p. 1007.

⁴¹⁵ *Ibid.*, p. 986.

imagined, of the Risorgimento, the sceptical and distrustful mindset of the liberal elites persisted throughout and into unified Italy. As had been suggested by Greppi, their social prejudice and political conservatism clashed with the idea of nation-building. How could there be a modern nation without political emancipation and social cohesion? Beltrani-Scalia was not the man to solve that question, however, as a social reformer and head of the prison administration he proved unable to innovate and supersede the preconceptions inherited from the Risorgimento.

As seen previously, such stress on moral reform penetrated the state bureaucracy as well, and in fact formed part of a larger discourse. On the other hand, the present research has demonstrated that, despite claims about the power of the positivists to influence the prison administration, faith in moral reform was far from being easily displaced by the new scientific discourse. In various ways it has been argued that Lombroso's school of criminal anthropology would have had a major impact on the prison system.⁴¹⁶ It was also noted that Francesco Crispi was keen on 'contemporary science' and wanted to introduce the 'practice of photographing criminals and measuring their skulls'.⁴¹⁷ There is no doubt that the school of criminal anthropology had a significant impact on the debates around punishment and penal policy in the last quarter of the nineteenth century, and this would have lasting effects. But, as demonstrated in the present study, there is little evidence to suggest that concepts such as 'atavism' and the 'born-criminal' were embraced by top officials and applied in prison administration. Hence it is fair to say that Beltrani-Scalia had a decisive impact on prison discipline, and this was probably greater than the potential influence of the new criminal anthropology. It seems therefore that the ideological legacy of the Risorgimento, with its focus on the dubious morality of the lower classes, prevailed, leaving little room for scientific theories to influence punishment practices in any significant way. On the other hand, this outcome suggests that in order to get a better understanding of the Italian prison system and beyond, we need to explore in greater depth the mentality and political culture of the officials who ran the penal apparatus.

The second question posed by this thesis leads us to consider the effects of prison discipline through the responses and reactions of those who spent their daily lives inside prison. In

⁴¹⁶ Gibson, *Born to Crime*; Pick, *Faces of Degeneration*.

⁴¹⁷ Duggan, *Crispi*, p. 484.

general terms, the conditions of confinement, together with the new regulations, were not conducive to reform or rehabilitation. Instead, they put the physical integrity and mental health of most inmates at serious risk. The high mortality rates prove that the conditions in prisons were extremely unhealthy. Suicide remained a serious problem which corroborated the view that solitary confinement, though officially implemented for its 'moral benefits', could lead many to insanity and death. It is undeniable therefore that the conditions of confinement and discipline in Italian prisons had a detrimental impact on inmates. This was despite previous knowledge based on studies and the experience of new methods carried out in Italy and abroad. In pre-unitary Piedmont and Tuscany, in particular, the prison regime created inhumane conditions, leading to disastrous results in terms of mental health and the loss of life. Yet Beltrani-Scalia defended his reform which combined methods borrowed from both systems. It has been argued that such a harmful regime was deemed to be acceptable in political terms because of the huge social gap that existed between the captors and the captives. In other words, inmates were deemed to be unworthy of better conditions because of their social background.⁴¹⁸ We should not, however, restrict ourselves to this reflection, and should look more closely at the reactions of the prison population. Prisoners' responses demonstrated not only the brutality of the penal regime, but also that the discourse on their alleged amorality was false and a political fabrication. In particular, their responses disproved the argument based on the idea of 'hypocrisy', whereby inmates were depicted as inherently amoral regardless of their conduct.⁴¹⁹ Building on the work of Norbert Elias, it is possible to affirm that their behaviour was a response to the rules created by the prison administration and, as shown in chapter three, their adjustment reasserted their humanity despite a rhetoric created so as to devalue their human nature and moral values. Of course this could not change prison discipline or the actual conditions of confinement, but it carried the implicit counter-argument that the contention of the moderate liberals was based on social prejudice and a narrow-minded political conservatism. With striking similarity, it resembled the analogy that Beltrani-Scalia drew between his convicts and the 'good and decent folk'. Both prisoners and free labourers were trapped in the 'moral checkmate' created by the liberal elites. This

⁴¹⁸ Anna Capelli, 'La storia penitenziaria: fonti e metodi', p. 23.

⁴¹⁹ On the 'hypocrisy' argument see the self-critical and outspoken analysis of Giuseppe Gaetano, former director of the Italian Centro Studi Penitenziari, in Giuseppe Gaetano, 'Governo disciplinare negli istituti di pena', *Rassegna di studi penitenziari*, (1968), 847-855.

hegemonic discourse was challenged, though, in explicit terms by inmates whose written testimonies have been preserved. This is the case with inmates from Le Nuove prison in Turin, and is probably one of Lombroso's greatest contributions to the history of Italian prisons. Among the samples he gathered for his research, there are clear examples of inmates who subverted the elites' legitimising discourse. Some would mock the core principles of much acclaimed positivism, while others satirized Lombroso himself and his school of criminal anthropology. Though unable to influence the prison regulations, Lombroso's 'scientific' discourse was well known, and helped legitimise the political principles that buttressed the penal system. It is therefore fair to affirm that the people were not the intrinsically amoral, passive and dull masses that had consistently been depicted as such by the liberal elites for nearly a century. Even among those from the most disadvantaged sections of the population, there were responses that challenged the establishment and its homogenising culture. Thus in the prison discourse the conflict became apparent between the urge for emancipation as a pre-condition for a modern project of nation-building, and the reluctance of the moderate liberals to overcome the conservative compromise of the Risorgimento.

On the other hand, it must be acknowledged that there are limitations to the present research, and these deserve some consideration. As mentioned in the introduction, a range of circumstances constrained the selection of prisons and the access to primary sources. It is unlikely that the gaps in archival material will be filled in. While some important prison archives have been lost entirely, others elsewhere have been subject to progressive and ongoing deterioration (e.g. Rome). What is more, the examples retrieved cannot account for the views of all prisoners, and hence we should not generalise from them. It would in fact be virtually impossible to discover the opinions and beliefs of all inmates, and this was not the objective of this research. What has been attempted here was to get some insights from below which, in the context of confinement from our viewpoint, could give us a more penetrating understanding of the prison system. As mentioned in the introduction, most of the historiography has focused on penal law, prison architecture, or political prisoners, especially in the Fascist period and beyond. This lacked a view from the inside which took into account inmates in Liberal Italy. The same can be said about prison guards.

In the study of penal regimes, warders are as important as inmates. As has been observed, 'the guard too, in a certain sense, is serving time in confinement'.⁴²⁰ Indeed, there are several factors that make warders an important aspect for consideration. Their daily work and personal knowledge of all the trappings and travails of the job, as well as their 'close and intimate association with prisoners' help us to get a better understanding of the functioning of penal institutions.⁴²¹ The present study has attempted to disclose some aspects of the Italian prison system through a range of examples taken from warders' experiences. As discussed previously, the analysis of a penal system can make sense only if put in its proper historical context. In the same way, the study of prison discipline cannot fail to take into account the human element involved, lest it becomes limited to a purely theoretical analysis, or a technical study. Considering the goals of the reform, a focus on warders is also required because a penal system that claimed to promote rehabilitation and the moral reform of inmates should provide good working conditions for warders in the first place. The exploration of warders' files, together with other documents produced by the DGC, revealed guards' social background, discipline, and their responses to the prison regime. In general, prisons were chronically understaffed, guards were overworked, and found themselves under huge pressure in unsafe and unhealthy working conditions. The draconian discipline and excessive workload led many of them to break the rules intentionally. This was their only way to get some respite because punishment entailed spells in the disciplinary cells. In a few cases prison discipline caused a guard's mental breakdown. But in general, the strictness of the rules and the poor working conditions led to frequent violations. Indeed, there were many instances of recurrent violations that could not be punished for lack of staff. Thus prison discipline proved to be dysfunctional and counterproductive for both warders and inmates. In other words, the obsession with control and 'moral reform' created an impossible regime. Paradoxically, it thwarted the role of warders as promoters of reform, and showed that the Italian penal apparatus was failing to cope with modern incarceration.

The stories of prison guards, however, can reveal more about the penal system and Italian society. In many cases, their social background and financial conditions were as poor as those of the inmates. Indeed, it was not uncommon for the prison authorities, in conjunction with

⁴²⁰ Sykes, *The Society of Captives*, p. 54.

⁴²¹ *Ibid.*

prefects, to turn into occasional providers of welfare, which was often extended to a guard's family. In this connection, their low social esteem, and relative vulnerability placed into question their potential function as role models for inmates. Moreover, it reveals that in many ways, prisoners and warders were treated with the same paternalistic attitude. As seen in chapter four, this was epitomised by the restrictions imposed on the access a warder had to his own earnings. Such paternalism corroborated the conservative stance of jurists such as Francesco Carrara, and social reformers such as Petitti di Roreto and Beltrani-Scalia, who believed the lower classes were incapable of behaving and looking after themselves responsibly. Considering their similar background, it followed as a logical consequence that such attitudes concerned both guards and inmates.

The liberal elites saw in discipline and 'moral reform' the remedies for the social ills of the time. The penal system was therefore a product of their political and social beliefs, whereas the prison apparatus, and especially the GPR, was the hallmark of that desire to discipline and correct. As mentioned in chapter two, Beltrani-Scalia's work would be highly praised by the fascists who regarded it as an 'outstanding' example of prison discipline. Although a world war and nearly forty years had passed, they deemed it unnecessary to make any radical changes to the GPR. Exploration of the significance of this apparent continuity is beyond the scope of the present study, but it is highly suggestive of the connections between legal punishment and the political and social values of a nation.

Further research

As a result of this study, further research might well be conducted in order to advance our knowledge of penal institutions in the liberal regime, or of those institutions which showed common characteristics with prisons. Thus the study of reformatories and prison hospitals for the mentally ill would be the most immediate route for further research.⁴²² This could open a

⁴²² For an overall view on some of the most important institutions of confinement for juvenile offenders and the mentally ill see: Roberto Audisio, *La Generala di Torino: esposte, discoli, minori corrigendi, 1785-1850* (Santena: Fondazione Camillo Cavour, 1987); Luisa Marucco, *Per la storia della medicina sociale di Torino: Relazioni sui giovani reclusi della Generala 1840-1877* (Turin: Centro Studi Piemontesi, 1982); Franco Ricciardi,

range of possibilities for new interpretations on the functions of punishment and social control. On the other hand, there is an area of particular interest for historians of penal institutions which warrants further attention. Taking as a frame of reference the mosaic of experiences we have encountered in the present work, a better insight into the prison system of Liberal Italy might be achieved through the works of prison governors and top officials who had first-hand experience of prison management. As demonstrated, Beltrani-Scalia played a crucial role in the DGC and in shaping prison discipline. Hence his work and life deserve careful consideration. But of course he was not the only top official that could influence the prison regime. During the present study we have come across some of his colleagues: the like-minded Giuseppe Miccoli, author of a collection of prison readings who received an award from the government; Querci-Seriacopi who gave us some insights into prison administration and its inefficiencies linked to corruption and political patronage; and others such as Guglielmo Curli and Federico Forni, who expressed their views on important issues related to prison discipline. But there is a need for a broader survey focused on contemporary texts produced not only by intellectuals, but also by civil servants and, in particular, by officials in the prison administration and the police. The latter can be particularly useful for exploring many of the social issues related to incarceration. They can provide not only their personal views on public security and prison policy, but also reveal the circulation of ideas within the prison milieu and *questure*, and the extent their attitudes influenced penal policy. The political beliefs and attitudes inside the DGC and police can perhaps better illuminate what penal policies entailed in practice, and how state agents who were in direct contact with the lower classes interpreted their work. In this connection, considering the examples of welfare provision for destitute prison guards, we may ask whether and how officials made a distinction between punishment and policing on the one hand, and public assistance and social care on the other. In some ways, the prison and the police may have been the ultimate providers of assistance for those who were hopelessly destitute and marginalised. Thus the

Il manicomio giudiziario di Aversa Filippo Saporito: storia, cronaca ed aneddoti (Aversa: Gazzetta aversana, 1965); Anna Grazia Ricca, *Corpi d'eccezione: storie di uomini e donne internati nel manicomio di Aversa 1880-1920* (Naples: Filema, 2006); Leopoldo Ponticelli, *Il manicomio criminale dell'Ambrogiana presso Montelupo Fiorentino* (Rome: Tip. delle Mantellate, 1888).

experiences of prison and police officials may allow for a better understanding of the relations between public authorities and members of the lower classes.⁴²³

Assistance to former inmates is also an area of prison history that has been consistently overlooked. In late nineteenth-century Italy, charitable bodies run by private individuals provided some form of social care. But in most cases they were not evenly distributed across the country, and relied on donations and the work of philanthropists. Prison inspectors such as Alessandro Doria were acquainted with the work of *patronati* (bodies for the assistance of former prisoners) and urged members of society to help in the 'fight against recidivism'.⁴²⁴ These charitable institutions and their work can provide new insights into the lives of former inmates and the social circumstances that they faced after release. The problem of stigma and marginalisation suffered by former inmates could not be addressed in the present research, but this is an important part in the study of penal policy, and there is evidence that prison officials in Liberal Italy were well aware of it. In the documentation left by the DGC there are also examples of occasional welfare assistance to the children of guards and inmates. This area of research can further our knowledge of the social and political attitudes of the ruling classes in regard to former inmates and their families. Ultimately, it can help us gain a better understanding of what was the moderate liberals' project of nation-building.

⁴²³ For an overall view on the police in Liberal Italy see: *Una cultura professionale per la polizia dell'Italia liberale: antologia del Manuale del funzionario di sicurezza pubblica e di polizia giudiziaria 1863-1912*, ed. by Nicola Labanca and Michele Di Giorgio (Milan: UNICOPLI, 2015); Pasquale Marchetto and Antonio Mazzei, *Pagine di storia della polizia italiana: orientamenti bibliografici* (Rivoli: Neos, 2004); Giovanna Tosatti, 'La repressione del dissenso politico tra l'età liberale e il fascismo: l'organizzazione della polizia', *Studi Storici*, 1 (1997), 217-255; Gian Vincenzo Omodei Zorini, *Il poliziotto con l'ombrello: Domenico Cappa segugio nella Torino dell'Ottocento* (Turin: Viglongo, 1996); Domenico Cappa, *Trentadue anni di servizio nella polizia italiana: memorie raccolte ed ordinate da Giovanni Arrighi* (Milan: Fratelli Dumolard Edit., 1891)

⁴²⁴ For an overview of the state of *patronati* at the turn of the twentieth century see: Alessandro Doria, *Relazione al Consiglio dell'Opera Pia destinata ad assistere i figliuoli derelitti dei condannati per il biennio 1899-1900* (Rome: Tip. delle Mantellate, 1901); *Ibid.*, 'Relazione sul tema IV: Sviluppo ed azione dei patronati per carcerati e liberati dal carcere', in *Atti del Secondo Congresso Nazionale delle Società di Patronato per minorenni e carcerati*, ed. by Fanny Dalmazzo and Camillo Tovo (Turin: OPES, 1912), pp. 231-257.

Glossary and abbreviations

ACS (Archivio Centrale dello Stato) – the Italian National Archive in Rome.

ASM (Archivio di stato di Milano) – the Archive of the City of Milan.

ASP (Archivio di stato di Palermo) – the Archive of the City of Palermo.

ASR (Archivio di stato di Roma) – the Archive of the City of Rome.

BP (Bagno penale) - until 1866 BPs were under the administration of the Navy. Prisons for long-term convicts, they were typically located on the coast or in port areas, having originated as substitutes of traditional practices of punishment such as galley servitude. Usually a BP sentence included hard labour.

CG (Carcere giudiziario) – a pre-trial prison. Although its definition suggests short periods of confinement, it was not uncommon that time spent in CGs would be longer because of the inefficiency and red tape involved in penal justice.

CM (Carcere mandamentale) – a local gaol for prisoners on remand. They were usually located in small towns or belonging to an administrative unit called *mandamento*, which was the third subdivision of a province and normally had a smaller gaol than the provincial capital.

CP (Casa penale) – a major penitentiary for convicts. Unlike CGs, CPs had relatively low rates of inmates' turn over.

CPI (Casa penale intermedia) – a penal colony, usually located in remote areas or with no easy access. The CPI *Tre Fontane*, discussed in the introduction, is an example of penal colony in late nineteenth-century Italy.

DGC (Direzione generale delle carceri) – the main prison administration office of the Interior Ministry. After 1866 it became responsible for all penal institutions for male adults.

ERG (Ergastolo) – occasionally a BP was referred to as 'Ergastolo'. In modern Italian it became synonymous with life sentence.

MG (Manicomio giudiziario) – prison-hospitals for the mentally-ill. MGs emerged as a result of administrative decisions taken inside the DGC, and outside parliamentary control. The first example took place in Aversa, when a special section of the prison was converted into a 'surgery for maniacs' by Martino Beltrani-Scalia in 1876.

RIF (Riformatori) – prisons for juvenile offenders.

RMD (Registro di matricola dei detenuti) – prison register books. These were the main source of information on inmates used in the present study. RMDs included prisoners' backgrounds,

personal data, juridical position, together with instances of punishment and conduct in prison.

SCC (Segregazione cellulare continua) - Uninterrupted Solitary Confinement. Prison sentences involved long periods of SCC which led in many cases to insanity, health problems, and death.

Scrivanello (-i) – inmates who did clerical work for the prison administration.

Appendix I: Archival material consulted

Most of the data on inmates, warders, and prison administration was assembled in four different archives. In order to have a better understanding of the work involved it is worth clarifying some of the terminology used by public archives in Italy.

Fondo: This refers to a particular collection of related documents, or documents issued by a single public administration, private institution, or produced by families and private citizens. Usually there are several *fondi* in a single public archive.

Busta: This can mean two things: 1 - A big folder made of stiff paper or card, usually containing hundreds of documents. These can be either organised in smaller files or left as single sheets of paper, sometimes bound together; 2 – A prison register book, usually containing hundreds or thousands of individual files of inmates with their personal data. It is commonly abbreviated as *b.*

Fascicolo: This refers to a file kept within a *busta*. Usually *fascicoli* hold documents (sometimes a great many) related to a single case or individual. It is abbreviated as *fasc.*

Sottofascicolo: A smaller file kept within a *fascicolo*. It is abbreviated as *s.fasc.*

This brief glossary is not meant to entirely cover the specialised terminology used by Italian public archives. Rather, it aims at giving the reader some basic information for understanding the archival terms used in the present work. The material consulted for the present research is described below according to the terms illustrated above.

ACS (Central Public Archive in Rome), Fondo Ministero di Grazia e Giustizia (Direzione Generale Istituti di prevenzione e pena 1905-1938), b. 107, fasc. Milano; b. 108, fasc. Prov. Napoli – Relazioni, inchieste e visite ispettori; b. 108, letter dated 27 May 1910; b. 119, fasc. Personale di custodia – Punizioni e concessioni di grazia; b. 122, fasc. Castelfranco Emilia.

ACS (Central Public Archive in Rome), Fondo Ministero dell'Interno (Direzione Generale delle carceri 1896-05), b. 19, fasc. Castelfranco Emilia; b. 19, fasc. Castelfranco-Napoli; b. 72, fasc. 1891-93 Agenti di custodia; b. 358, fasc. Napoli – Personale di custodia; b. 358, fasc. Parma – Personale di custodia; b. 358, fasc. Palermo.

ACS (Central Public Archive in Rome), Fondo Studi per la riforma penitenziaria 1891-1930, b. 1.

ASM (Public Archive of the City of Milan), Fondo Carceri giudiziarie di Milano 1859-1945, b. 126; b. 127; b. 128; b. 129; b. 130; b. 131; b. 132; b. 133.

ASP (Public Archive of the City of Palermo), Fondo Carceri giudiziarie di Palermo 1862-1899, b. 119, fasc. Latrine e pozzi neri; b. 163, fasc. Guardie, s.fasc. Zoccolari Gaetano; b. 164, fasc. Personali agenti di custodia, s.fasc. Cattaneo Giovanni, and s.fasc. Sommaggio Luigi; b. 165, fasc. Guardie, s.fasc. Aiazzi Onorato, and s.fasc. Bastanzio Giuseppe; b. 166, s.fasc. Pizzi Giuseppe; b. 167, fasc. Disciplina guardie, s.fasc. Miola Giuseppe; b. 177, fasc. Dementi, decessi, suicidi 1899-1900; b. 179, fasc. Atti del governo, letter dated 01 August 1899, letter dated 19 October 1899, and doc. dated 23 August 1899; b. 179, fasc. Statistiche 1899-1900, Allegato 4, and doc. dated 20 February 1900; b. 179, fasc. Celle a pagamento; b. 179, fasc. Stipendi, paghe, indennità al personale, doc. 'Elenco dei fondi mensa delle guardie'

ASR (Public Archive of the City of Rome), Fondo Altavista, b. 238; b. 265; b. 343.

Most documents (apart from ACS, Fondo Studi per la riforma penitenziaria 1891-1930, b. 1) are handwritten.

Appendix II (1): Statistics from the Senigallia Penitentiary between 1898 and 1901⁴²⁵

Prisoners' area of provenance

Period:	South	Centre	North
Sep 1898 – Oct 1899	72.7%	11.1%	16.16%
Nov 1899 - Feb 1901	65.3%	9.0%	24.6%

Prisoners' previous employment and livelihood

Period:	Rural workers	Craftsmen	Food Industry	Public Transport	Unskilled labour	Others *
Sep 1898 – Oct 1899	42.4%	16.16%	5.5%	4.5%	4.5%	25.5%
Nov 1899 – Feb 1901	38.2%	6.0%	7.0%	4.0%	6.0%	37.3%

* Others included jobs in construction, steel industry, business, but also pedlars, tinsmiths, knife-grinders, and street artists.

In both periods there were approximately 1.5% of inmates registered as 'landowners'.

⁴²⁵ All data on the Senigallia prison was taken from: Archivio di Stato di Roma (ASR), Fondo Altavista, b. 238, b. 343.

(2) Statistics from the Senigallia Penitentiary between 1898 and 1901

Inmates' age and education

Period:	Up to 30 years old	Illiterate	Primary Education	Higher Education	Vocational Training
Sep 1898 – Oct 1899	57.0%	50.0%	39.5%	0.5%	0.5%
Nov 1899 – Feb 1901	58.3%	49.2%	46.7%	0.5%	0.5%

Inmates' health

Period:	Ill on admittance	Died in prison	Tuberculosis	Other causes of death*
Sep 1898 – Oct 1899	67.0%	43.4%	52.3%	36.0%
Nov 1899 – Feb 1901	96.5%	35.2%	24.3%	45.7%

* This includes cases where no cause was recorded. Suicide and violence are among them.

Punishment in prison

Period:	Punished at least once	Violation of article 250	Disobedience or rebellion	SCC *
Sep 1898 – Oct 1899	75.5%	10.0%	30.5%	75.5%
Nov 1899 – Feb 1901	82.9%	22.4%	29.0%	82.9%

* **SCC** – All instances of **SCC (Solitary Confinement)** considered here lasted from a minimum of 12 up to 36 months of isolation.

Appendix III: Mortality rates in prison compared to the free population from 1898 to 1900⁴²⁶

Age group	Senigallia Penitentiary	Free population
15-29 years old	55.8%	6.22%

Age group	L'Ucciardone (Palermo)	Free population
15-19 years old	26.0%	1.81%

⁴²⁶ Sources: *Sommario di statistiche storiche dell'Italia 1861-1975* (Rome: ISTAT, 1976), p. 25; ASR, b. 238; ASP, b. 177, fasc. Dementi, decessi, suicidi 1889-1900.

Appendix IV (1): Statistics from San Vittore (Milan), November 1899 - January 1900 (1,093 inmates)⁴²⁷

Here the statistics on employment are more heterogeneous and show the economic dynamism of Milan and its potential to attract people from different backgrounds, including skilled workers and those with no professional training. Peasants formed only the sixth largest group, and the majority of prisoners were either craftsmen (19.3%) or labourers (14.6%). The city had a considerable demand for services and this can be seen in the large number of people who did a wide variety of jobs, ranging from hairdressers to tailors and dry-cleaners, along with domestic servants, butlers, hatters and shop assistants. This group made about 14.6% of the prison population, just as much as the unskilled labour force. People employed in the food industry and catering sector amounted to approximately 11%, whereas mechanics and steel industry formed about 6.7%. Clerks, together with professionals and health workers, formed only 2.2%. Despite this diversity in employment, illiteracy rates remained very high (53.3%).

As for their provenance the vast majority came from regions in the North. Interestingly, the second largest group in San Vittore was composed of foreigners (3.47%), with Germans leading the category.

Prisoners' area of provenance

North	90.57%
South	3.20%
Centre	2.70%
Foreign born *	3.47%

* 47.4% of which were ethnic German.

⁴²⁷ All data presented here was taken from Archivio di Stato di Milano (ASM), Fondo Carceri giudiziarie di Milano 1859-1945, b. 126.

(2) San Vittore (Nov 1899 - Jan 1900): Prisoners' previous employment

OCCUPATION	PERCENTAGE
1 - Craftsmen	19.30%
2 - Labourers	14.63%
3 - Services	14.63%
4 - Food Industry	11.43%
5 - Steel Industry	6.70%
6 - Rural workers	6.40%
7 - Bricklayers	6.30%
8 - Pedlars	3.75%
9 - Artists	2.92%
10 - Public Transport	2.00%
11 - Professionals	1.10%
12 - Clerks	1.00%

Appendix V: List of the Italian penal institutions mentioned in the present work and their respective locations

1. Alessandria (Piedmont)
2. Amelia (Terni Province, Umbria)
3. Aversa (Caserta Province, Campania)
4. Cagliari
5. Carmine (Naples)
6. Castelfranco Emilia (Bologna Province, Emilia Romagna)
7. Catania (Sicily)
8. Finalborgo (Savona Province, Liguria)
9. Genova
10. Gerace Marina (Reggio Calabria Province, Calabria)
11. Isili (former Cagliari Province, Sardinia)
12. Lodi (Lombardy)
13. Lucca (Tuscany)
14. Modena (Emilia Romagna)
15. Montelupo Fiorentino (Florence Province, Tuscany)
16. Nisida (Naples)
17. Noto (Siracusa Province, Sicily)
18. Carceri Nuove (Rome)
19. Le Nuove (Turin)
20. Parma (Emilia Romagna)
21. Procida (Naples Province, Campania)
22. Reggio Calabria
23. Reggio Emilia (Emilia Romagna)
24. Regina Coeli (Rome)
25. Saluzzo (Cuneo Province, Piedmont)
26. Santa Maria Apparente (Naples)
27. Santa Palazia (Ancona)
28. Sant'Eframo (Naples)
29. San Francesco (Naples)
30. Casa di correzione di San Michele a Ripa (Rome)
31. Santo Stefano (Island - Latina Province, Latium)
32. San Vittore (Milan)
33. Senigallia (Ancona Province, Marche)
34. Stella di Portoferraio - Isola d'Elba (Livorno Province, Tuscany)
35. Trapani (Sicily)
36. Tre Fontane (Rome Province)
37. L'Ucciardone (Palermo)

38. Viterbo (Latium)

39. Volterra (Pisa Province, Tuscany)

Appendix VI: Photographs of L'Ucciardone, San Vittore, and Le Nuove



Picture 1: Two of the original nine multi-storey wings of L'Ucciardone built in the 19th century.



Picture 2: The panels covering the windows were originally built to prevent inmates from having any view of the outside. Panels for the same purpose can be seen at San Vittore (see picture 3).



Picture 3: A view from the outside of San Vittore in Milan.



Picture 4: Main gate at Le Nuove prison (decommissioned) in Turin.

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Archivio di Stato di Milano (ASM) (Fondo Carceri giudiziarie di Milano 1859-1945) – Milan

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