

BRIEF OVERVIEW ON THE PENITENTIARY SYSTEM – LESS COMMON ASPECTS

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Abstract

After last year's study regarding the occupational therapy as a possible solution for preventing the breach of criminal law¹, in which we have analysed the penitentiaries in Europe, we have considered to further explore the penitentiary system in order to show the lesser-common aspects.

Around the world there are prisons which offer those who have been convicted a decent life, as these facilities have been especially designed to re-educate them.

Therefore, we have considered that it might be useful to approach the types of penitentiaries that exist around the world because the persons interested in this subject will have the possibility to get a comprehensive view on the evolution of one specific part of the punitive justice system, namely prisons, considering the development of the human society, as well as peoples' mentalities.

Keywords: *penitentiary, prison, punitive measures, security.*

1. Introduction

In our opinion, it might prove useful to approach the types of penitentiaries that exist in various countries round the world because the characteristics, that some of them have, underline not only lesser-known facts, but also lesser-common aspects.

Thus, those interested in this issue will have the possibility to get a comprehensive view on the evolution of one specific part of the punitive justice system, namely prisons, considering the development of the human society, as well as peoples' mentalities.

Along time, in the evolution of mankind, there have been different views on

punitive measures, which have had direct consequences on the organizations of the spaces allocated to offenders, so that these places would either instil fear or regulate human relationships (e.g. keeping families together).

2. Less Common Penitentiaries Around the World

The Sark Prison is the smallest prison in the world and is situated on Sark Island in Guernsey, a British territory, a few hundred kilometres away from the French coast. This prison was built in 1856 and it has only two cells. Local authorities still use it for short imprisonments¹.

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¹ Please see Constantin Marc Neagu, *Occupational Therapy - Possible Solution for Preventing the Breach of Criminal Law and Socially Reintegrating Offenders*, published in LESIJ – Lex et Scientia International Journal, no. XXIV, vol. 2/2017, p. 136 – 144, available at <http://lexetscientia.univnt.ro/ro/articol/OCCUPATIONAL-THERAPY-POSSIBLE-SOLUTION-FOR-PREVENTING-THE-BREACH-OF-CRIMINAL-LAW-AND-SOCIALLY-REINTEGRATING-OFFENDERS~612.html>.

¹ Please see <https://www.ziare.com/>.

Another less common prison is the one from Aranjuez, Spain. This prison is said to be the only one in the world providing not only special family cells displaying Disney characters on their walls, but also a kindergarten and playgrounds for the inmates' children. The Spanish penitentiary was designed so as to give the prisoners the possibility to spend time with their children. Aranjuez is 40 kilometres away from Madrid and has 36 family cells².

The first ecological prison in the world lies in Norway. Although the idea of an 'eco-friendly' penitentiary is not very popular, the small island Bastøy in Norway succeeded in changing the local prison into a 'green' one. The minimum-security prison uses solar panels to obtain energy, produces almost 100% from the food it consumes and recycles everything it can. The prison looks more like a farm and emphasize should be made that the extra ecological fruit and vegetables are sent to other prisons in Norway.

In Mexico one can find Cereso Chetumal, a prison where disputes that arise are solved in the boxing ring. Although, to some extent, it may sound odd and one might assume that violence is encouraged, for more than 10 years no violent acts have been committed by prisoners. According to the warden, Victor Terazzas, 'when there is a dispute between two prisoners, they put on their boxing gloves and climb into the ring, and 2 or 3 rounds later they end up their disagreement³.'

In the San Pedro Prison in Bolivia, the prisoners can 'buy' their cells. The San Pedro prison, the biggest prison in Bolivia's capital city, La Paz, hosts approximately 1,500 prisoners. Once you enter it, leaving behind the thick walls and the enormous

gates, any resemblance to a normal prison goes away: there are children playing in the streets, stalls, barber shops and even a hotel. There are no guards, uniforms or bars. Nevertheless, a price needs to be paid for this freedom to exist: the prisoners must buy their cells, so most of them are expected to work. 'If you have money, you can live like a king here', said a prisoner. And it seems that he is right as in the Los Pinos prison section the cells are large, they have their own bathrooms, kitchens and TV sets and in their courtyards, there are billiards tables, kiosks and stalls. These cells can be bought for \$1,000-1,500. In the poor section of the prison, the prisoners sleep in the open air or they are crammed in very small cells⁴.

In the Cebu Prison in the Philippines, the inmates are very good dancers. The 1,500 prisoners take dancing lessons every day and they have become so highly valued that they are often invited to cultural events and they are really paid for their performances. They have even recorded a few videos. Moreover, the Cebu Prison organizes live shows and spectators can buy T-shirts like those of the prisoners or other souvenirs⁵.

3. Less Common Penitentiaries in Romania

Less common prisons can also be found in Romania. In 2017, BBC made a feature story in Biertan village in Transylvania. This unique Romanian village belonging to the UNESCO patrimony is the place where the fortified church, built in 1490, sheltered a special cell, where couples who were unable to get on well with each other were locked up by the priest for six weeks to solve their problems.

² Please see www.9am.ro.

³ Please see www.ziua.ro.

⁴ Please see <https://www.mediafax.ro/>.

⁵ *Idem*.

Consequently, there was only one divorce in 300 years.

According to the BBC reporter, 'Picturesque Biertan, one of Transylvania's seven Saxon Unesco World Heritage villages, feels frozen in time. Horse-drawn carts are still a part of daily life, and local residents gather to trade their wares in a cobbled village square. At the heart of the village, a 15th-Century fortified church towers over the surrounding structures from its hilltop perch.'

'Inside the Eastern part of the church, along one of its fortification walls, is a small building with a room inside barely larger than a pantry, named the marital prison cell' continues the feature story.

For 300 years, couples whose marriages were on the rocks would find themselves here, locked away for up to six weeks by the local bishop with the hope that they would iron out their problems and avert a divorce. Documents from that period show that this type of counselling, the 'marital prison', was efficient, added the British reporters.

"Thanks to this blessed building, in the 300 years that Biertan had the bishop's seat we only had one divorce," said Ulf Ziegler, Biertan's current priest.

Today, the small dark prison is a museum exhibiting mannequins. The room has low ceilings and thick walls, and is sparsely equipped with a table and chair, a storage chest and a traditional Saxon bed that looks small enough to belong to a child. As couples attempted to repair their marriages inside this tiny space, everything had to be shared, from a single pillow and blanket to the sole table setting.

Lutheranism, the religion of the Transylvanian Saxons, governed most aspects of life, and although divorce was allowed under certain circumstances (*i.e.* for

adultery), it was preferred that couples attempt to save their union. Therefore, a couple seeking divorce would voluntarily visit the bishop, who would send them to the marital prison to see if their differences could be reconciled before they parted ways.

'The prison was an instrument to keep society in the old Christian order,' explained Zielger, who noted that it also protected women and children, who were dependent on the family unit to survive. If a divorce did occur, the husband had to pay his ex-wife half of his earnings, but if he remarried and divorced again, the second wife was entitled to nothing⁶.

Another less common prison in Romania is the one in Târgșor, in the Prahova county, which is, nowadays the sole Romanian prison for women. Nevertheless, between 1948-1952, in Târgșor, functioned the only prison for children in the world. Hundreds of minors who either explicitly fought against the communist regime or were members of the Romanian fascist movement were forced to study the works of Marx and Engels, had to undergo psychological experiments and were beaten so that they could be reborn as brand-new individuals, true communists.⁷

4. The 'Pitești' Phenomenon

The Pitești penitentiary stood out among Romanian prisons in the communist era due to its harshness. Romanian political prisoners arrested after 1945 were brought to the Pitești Penitentiary, in the Argeș county, and they had to go through 'the Pitești experiment' – an intensive brainwashing torture program.

The prison was built before starting the experiment. According to Eugen Măgirescu, work on this prison started in the late 1930s, during the reign of King Charles II of

⁶ Please see www.news.ro.

⁷ *Idem*.

Romania, and was finished during Ion Antonescu's dictatorship. Nobel Laureate Alexander Solzhenitsyn called the treatment in the Pitești Penitentiary 'the most terrible act of barbarism in the contemporary world'.

The 'Pitești' Phenomenon represented an experiment by means of which torture was used to re-educate young intellectuals detained in communist prisons, as they were considered potential threats against the communist regime. The so-called *new man*, wholly embracing the Marxist-Leninist ideology was expected to come out of the experiment.

In 1949, the Romanian communist authorities decided to apply, by means of the 'Securitate' (i.e. the Romanian secret police in the communist era), the Makarenko pedagogical methods, which aimed at re-educating detainees in communist prisons. The model that the Romanian authorities chose to closely follow was the Chinese model, Mao Zedong's, because of its success. In Romania, these methods were applied by the 'Securitate' general Alexandru Nicolschi and the place chosen to put into practice the preparatory stage of the re-education experiment was Pitești.

At that time, there were more than one thousand prisoners in Pitești. They were students from all the universities in Romania, aged between 18 and 25. Most of them had been members of the Iron Guard, the Liberal Party, the Peasants' Party, Zionists or even apolitical individuals and they were charged with having committed crimes invented by the communist regime: conspiracy against social order or the omission to denunciate. The goal of the experiment conducted in this prison was to exterminate the Romanian intellectuals, who might have organized themselves as opponents of the communist regime.

The preparatory stage of the horrific experiment lasted six months, from June 8th to December 6th, 1949. A group of political

prisoners was chosen to be 're-educators', which might represent the originality of the Romanian experiment. These 're-educators' themselves had been previously tortured and promised to be released and become part of the 'Securitate', provided they could determine the political prisoners to confess to all the information they had kept secret during the enquiries. To achieve this, non-stop unimaginably atrocious torture methods were used, which led to the extermination of many prisoners. The chief investigator was the one who would set up the 're-education' stages, under strict and close guidance from the 'Securitate'.

In October 1949, student-torturers and their leader, Eugen Țurcanu, arrived in Pitești from the prison in Suceava. Țurcanu had been sentenced to seven years of prison for his Iron Guard membership and he was appointed chief 're-educator'.

Besides being severely beaten on a regular basis, the prisoners were forced to torture each other in order to eliminate any loyalties developed prior to their imprisonment. The guards forced them to attend scheduled or ad-hoc political training sessions on dialectic materialism or Joseph Stalin's History of the Soviet Communist Party. During these sessions, the prisoners usually suffered from random physical abuse and were encouraged to delate real or invented offences. The purpose was to make the prisoners mentally collapse, in order to become entirely subordinated and committed to the regime.

All the victims of the experiment were first interrogated, and, during this stage, they underwent physical torture in order to disclose intimate details directly related to their personal life (this was called 'the external dilation'). Thus, the prisoners were obliged to reveal details allegedly not confessed during previous interrogations and hoping that they could avoid torture, many of them admitted to imaginary

misdeeds. The second stage, 'the internal dilation', required the tortured to reveal the names of those who had behaved less brutal or somewhat indulgently towards them in detention. The third stage, 'public moral dilation' involved public humiliation, the prisoners being forced to dilate all their beliefs, ideas and personal values. For example, religious inmates were dressed as Jesus Christ and the others were compelled to insult them or blaspheme against religious symbols and sacred texts.

The prisoners had to admit to the fact that their own family members had criminal and grotesque features. Moreover, they were obliged to write false autobiographies, comprising accounts of deviant behaviour. According to Dumitru Bacu, 'by gradually feeding the victim's subconscious with information contrary to the one usually accepted as real and truthful, by constantly altering and belittling the existing reality and replacing it with a fictitious image, the re-educator achieve the purpose of dilation: to make the untruth become real for the victim so that he would forget what was previously meaningful to him; the values the victim had believed in before were completely reversed indeterminately'.

In the Pitești penitentiary, in addition to physical violence, inmates subject to 're-education' were supposed to work for exhausting periods in humiliating jobs (*e.g.* cleaning the floor with a rag clenched between the teeth). Malnourished and kept in degrading and unsanitary conditions, they were not allowed to have contact with the outside world, they were even forced to cover their eyes on the rare occasions when they went out of their cells. Usually, the newcomers were badly treated by the 're-education' veterans: they were beaten so that could not fall asleep; they were forced to eat quickly from plates left on the floor, their hands being kept on the back. It has been

argued that the methods used in this Romanian prison were derived from the controversial principles characterizing Anton Makarenko's pedagogy and penology in respect to rehabilitation. Moreover, the Pitești prison was also used as a starting point for those prisoners who would later join the forced labour camps in Romania (*e.g.* the Danube-Black Sea Canal, Ocnele Mari, Aiud, Gherla, Târgu Ocna, Râmnicu Sărat, Târgșor), where ex-detainees teams were to continue the experiment.

In the Pitești penitentiary, because of the torturing methods, it is estimated to have died between 100 and 200 prisoners, although their exact number remains unknown. Usually, the cause of their death was falsified in the death certificate, so that no evidence would possibly exist for future reference⁸.

5. Other Categories of Prisons

One should also acknowledge the fact that there are prisons which offer those who have been convicted a decent life, as these facilities have been especially designed to re-educate them. A possible example is the Storstrom prison in Denmark, considered by the mass media as 'the most humane prison in the world'. The penitentiary that could accommodate up to 250 inmates is near the Danish town Gundslev, cost \$160 million to build and is likely to be taken for a university campus. Each prisoner has his own 4 m² cell containing a TV set, a fridge, a cupboard and a bathroom. The prison's amenities include a church, sport grounds, common areas, gardens, as well as agricultural land. The people responsible with this project consider that not only will the comfortable environment contribute to the inmates' re-education, but it will also be a pleasant for the employees.

⁸ Please see <http://ro.wikipedia.org/>.

The prison was designed to be similar with any common Danish village: a completely open space, comprising buildings inspired by Scandinavian architecture. Nobody might be seen 'behind bars', as the private cells look more like dorm rooms. There is no central canteen, as common kitchens have been built and they shared by four to seven inmates that prepare their own meals. This prison's design is based on the idea that if inmates are given as much of a normal, free existence as possible, when they will be released from prison, they are less likely to re-offend. In Denmark, this strategy is widely used, and consequently the reoffence rate is approximately 27%, almost half as compared with the one in the USA, which varies between 49 to 80%, depending on the offence⁹.

Another prison which is very similar to a hotel is in Norway. Built in 2010, the Norwegian penitentiary can accommodate 252 persons and provides hotel like amenities: private cells have TV sets, fridges and modern furniture, and the big windows do not have bars. The special lock on the door is the thing which reminds the inmates that they are not in a hotel. Most guards are unarmed because, according to the prison management, 'arms create a hostile atmosphere characterized by unnecessary intimidation and social distance'. To spend their time, the prisoners have access to a library, an indoor sport area which includes a climbing wall, being also able to practice various sport activities outdoors.¹⁰

The Bastoy prison is also in Norway, on the island with the same name. This prison is struggling hard to become the first ecological prison in the world. The inmates do not live in cells, they live in wooden

cottages and work on the prison farm every day. In their free time, they have access to relaxation activities, such as horse riding, fishing, playing tennis and skiing. Probably many people would be willing to pay to spend their holiday in such a place¹¹.

In Austria one can find Leoben Justice Centre, which, although it does not seem so, it is also a prison. When one steps inside the Austrian penitentiary, one might think he/she is in a court of law or a university. Its walls are made of wood and secure glass, and some cells have balconies. The inmates can wear their own clothes, and, during the day, they can join various activities, they can relax using the facilities provided or they can exercise outdoors or indoors. The private cells have their own bathroom, and every fifteen cells share a common kitchen¹².

Very close to the Finnish coast, on a small island, one can find the Suomenlinna Prison. By far, it is the most open prison in the world, as the prisoners serve their sentences living in huts built on the entire area of the island. The huts have modern furniture, widescreen TV sets and kitchens are shared by several prisoners. In addition to that, the inmates can visit their families almost anytime. As a matter of fact, it is quite difficult to realize that you are in a prison: there are no locks or bars, mobile phones are allowed, you can go shopping in the town and you can even own a pet. Therefore, it is no wonder that no one would like to escape from this prison¹³.

The Qincheng Prison, near Beijing is considered a penitentiary which provides decent detention conditions in communist China. This is the place where most privileged prisoners (*e.g.* the former Chinese political leaders) are usually sent. The

⁹ Please see www.adevarul.ro.

¹⁰ Please see www.romaniatv.net/.

¹¹ *Idem*.

¹² Please see www.adevarul.ro.

¹³ *Idem*.

penitentiary has big cells with amenities such as desks, sofas and private showers. The prison yard comprises orchards and fish ponds, and the food is very similar to the one expects to find in luxury hotels. Unfortunately, because most inmates formerly held important state offices, there are only a few photographs available from this penitentiary.

To help old inmates keep pace with the modern world, a prison in Beijing was transformed into a fake town. Within its walls, one can find a supermarket, an internet café and even a fake subway station, and prisoners can learn how to use a banking card or a subway ticket. In order to make the inmates serving more than 20 year sentences become aware of current developments, the Chinese authorities envisaged a prison education program in the townlike prison: ‘Sometimes prisoners find it hard to adapt when they are released from prison, so it might prove helpful for them to know how to use a banking card, mobile phones or

computers, as most of them did not have these opportunities before they were put behind bars’ said guard Liang Chiu, according to Oddity Central. The guard hopes that this type of imprisonment, favouring rehabilitation, will reduce the re-offence rate.

6. Conclusions

Having all this in mind, we consider that an overview of the penitentiaries from various regions of the world, providing decent detention conditions, could help us better understand how to choose the way Romanian prisons should be organized and possibly designed.

Moreover, this overview could also help us select the best type of re-education and social rehabilitation program for those persons sentenced to spend time without their family, lacking the comfort of the normal social environment.

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