

Prison treatment practices: common sense, legislation and scientific knowledge

The Italian penal system has undergone continuous changes. It is sufficient to recall the innovations introduced to the discipline of pre-trial detention in prison, the regulation of suspended trials and probation, the revision of custodial security measures, the reform of judicial psychiatric hospitals and the various decarceralisation measures.

The Italian penal system is characterised by being particularly articulated. It is based on different rules, sometimes not always coordinated, aimed at regulating penalties and security measures. Indeed, in it the formal aspects of the institutionalisation of punishment and the substantiality of the social perception of punishment coexist.

The subject also allows to verify the possible gap between the principles present in the matter and the positive norms that are supposed to give it concreteness and its actual application. In this procedural phase, then, the mechanisms of social construction of the incarcerated subjects linked to processes of definition, recognition and discipline of deviance, stand out.

The proposed workshop will focus attention on the sociological analysis of the processes of production of legal decisions in the light of possible tensions, contradictions and legislative distortions, thanks also to the testimony of Dr. Marco Puglia, a Supervisory Judge.

To make participation more profitable, some sentences issued by the Supervisory Judges will be provided in advance. In fact the Supervisory Judge is the judge of the prisoners' rights and must ensure that prison activities comply with the law, with the constitutional principles and with the re-educative purpose of the punishment.

Furthermore, from the point of view of the sociological studies we intend to investigate the horizon of treatment through the analysis of the impact of regulatory changes on the processes of criminalisation and stigmatization of offenders with psychiatric problems. Analysing the literature and the practices of the social actors - psychiatrists, judges, mental health workers – several conflicts emerge between the need to ensure responses to health needs and to the security demands coming from the judiciary.

The goal of this workshop is to bring out convergences and divergences between medical and legal culture in relation to the phenomena of social dangerousness, internment practices and the type of function to which new secure residential units in the community (Rems) respond. The workshop will consist, for this part, in the analysis of the periodic clinical reports and the opinions requested by the competent judge and drafted by the Rems psychiatrists on the monitoring of the internal and external indicators of social dangerousness. The relative positive/negative opinions of the competent judiciary will also be investigated.

The analysis of these reports will focus, specifically, on the study of the legal and clinical-sanitary language and on the recognition of the clinical, legal and extra-legal elements used by the health authorities and the competent judiciary to construct the concept of social dangerousness. The analysis of some case studies will be accompanied in the documentary analysis by the dialogue of privileged witnesses representing medical knowledge (Dr. Giuseppe Nese).