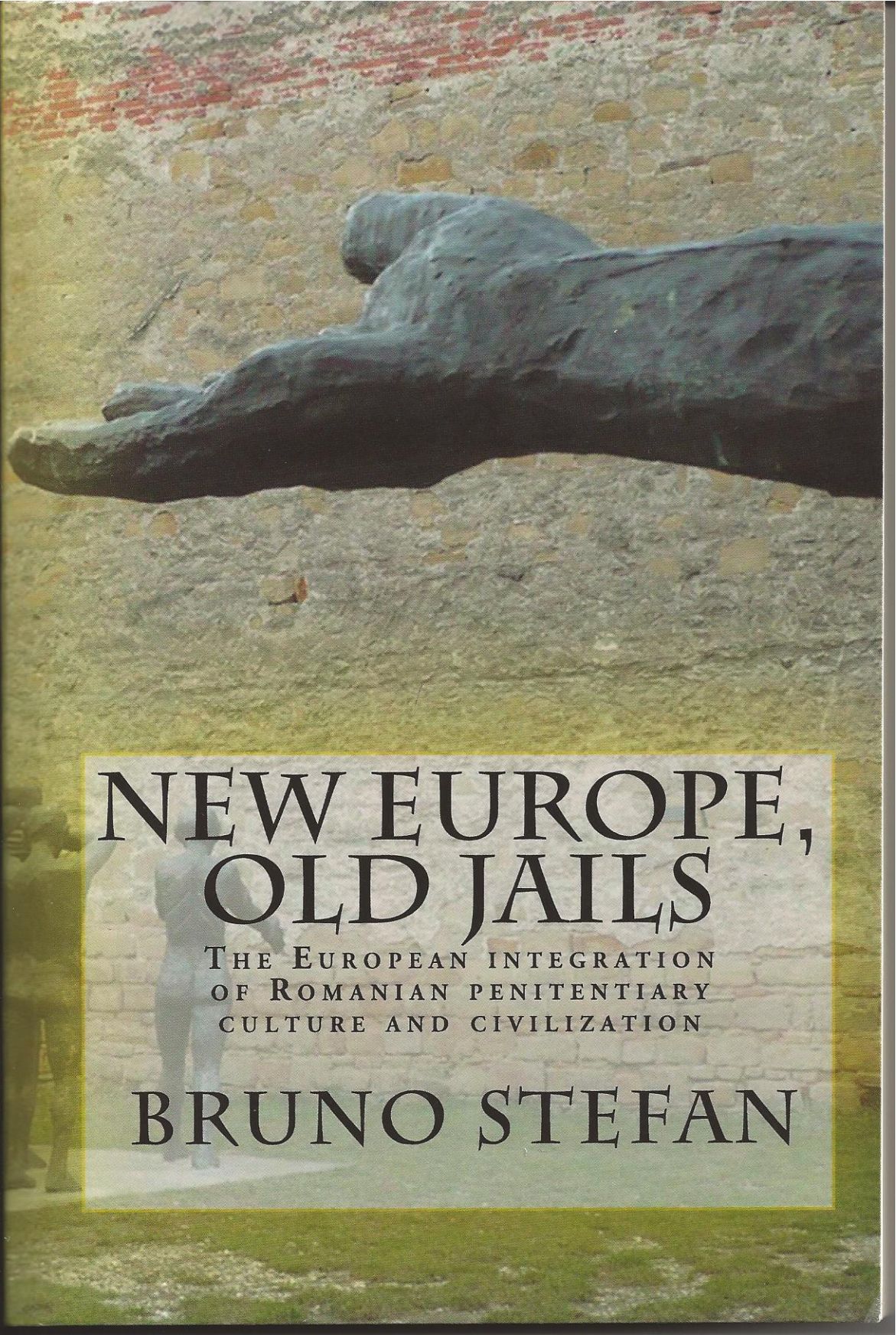

NEW EUROPE, OLD JAILS

The European integration of Romanian penitentiary culture and civilization

BRUNO STEFAN

New Europe, Old Jails

The European Integration of Romanian Penitentiary Culture and Civilization

BRUNO STEFAN, PhD

InterAcademic Press, 2009
Second Edition

2009
InterAcademic Press
Published and printed in
the United States through Amazon.com and CreateSpace

A Romanian language version of this book titled "Mediul Penitenciar Românesc, Cultură şi Civilizaţie Carcerală" was published in 2006 by Editura Institutul European, Iaşi, Romania. The present volume is an adapted and updated version of the Romanian edition.

The volume was translated by Ehren Schimmel (From *Introduction* through *Initiation Rituals*), Elena Iuliana Busca (From *Adaptation Rituals* to *Medical Care*), and Jim Brown (From *Free time* to *The Future of the Romanian Penitentiary System*).

InterAcademic Press/CreateSpace
ISBN 9781441439291
LCCN 2009929371

InterAcademic Press
An Ideagora division
PO BOX 40551
Indianapolis, IN
46240
United States of America
Email: academic@ideagora.us
Web: http://ideagora.us

TABLE OF CONTENTS

INTRODUCTION

In June 2004, Ionuţ Cristinel Maftei, 24, a prisoner serving 5 years for stealing two horses, was killed in Iaşi Penitentiary by the warden, Gabriel Geger. Irritated by the prisoner's rebellious, sarcastic and annoying behavior, the warden, standing in the hall of the department, violently yanked Maftei's arm while the prisoner was attempting to exchange merchandise (cigarettes for cans) with another prisoner from the neighboring cell through a sort of peep hole, thus smashing the prisoner's head against the wall, dislocating his skull in front of dozens of other prisoners—a terrified but passive audience to the crime. The prisoners were threatened with a similar punishment if they revealed anything about the incident to the press, their families or to others in the building; they were told to say that Maftei was killed in an altercation with a mentally-ill cell mate.

Despite the threats, the victim's family discovered the truth and was undaunted; they pressed charges against both the warden and the penitentiary. The penitentiary, they rightly claimed, not only enabled such an act of violence, but then hid the truth and blamed it all on an irresponsible prisoner who was more suited for a mental institution than a prison. The intense scrutiny that the case garnered in the local and national press forced the Public Prosecutor's Office and the General Department for Penitentiaries to initiate investigations. Both the staff and the penitentiary prisoners were forbidden to provide any statements to the press or to any others on the "outside" about what happened, so as not to influence the course of the investigations—serving only to heighten the suspicion that there was a possible cover-up.

The interviews that were conducted several weeks after the event, with the staff and the prisoners, were governed by a general code of silence. Most of the employees, at least on the record, stuck to their guilty colleague's version. A remaining few insisted that they be allowed to speak outside the institution, off the record, and under the guarantee of anonymity.

They ultimately accused their colleagues of complicity with the warden, that they were his relatives—products of a penitentiary system that encourages and spawns nepotism, even the creation of new

relatives by marriage. They also accused them of similar acts of violence, seldom ending in death, but no less hideous and no less arbitrary.[1] But the prisoners were permanently under surveillance by one or several members of the prison staff during the interviews, and they generally kept quiet; they were more motivated by the fear of retribution than by the hope for improved living conditions. Nevertheless, knowing that there was someone willing to listen to their opinion, a few prisoners were in fact able to speak their mind. They shared their thoughts in the courtyard, in the lavatory, by the door to the medical facility and in other places where there was slightly less supervision. They spoke of the way in which Maftei was killed, the complicity of the other wardens in the department, the consistent abuses within the prison, and even discussed other suspicious deaths that had happened over the previous month.[2] They also expressed hope that their statements would contribute to the warden's arrest and incarceration, so that he might have a taste of the brutal conditions that he himself had implemented.

Veiled or not, the statements made by the prisoners from Iaşi Penitentiary, as well as those by their families and journalists, reveal a world of consistent violence and abuse, of a "trivialization of evil," and of two conflicting but nevertheless intertwined worlds within the walls of the prison, governed by their own set of rules.

But the situation in Iaşi is not exceptional or unique in the Romanian penitentiary system. At about the same time, in Rahova Penitentiary, another prisoner was being beaten to death by "masked men," and the warden of the prison attempted to convince the civil authorities that the man coincidentally died due of an aneurism, while the prisoner was "in the company" of the guards. Two months later, at the Penitentiary for minors in Craiova, five young men locked themselves in their cell and set their mattresses on fire as a sign of protest against guards who had confiscated items they had received from their parents. Three of the young prisoners died of asphyxiation. After the warden was initially cleared of any responsibility, the attention

[1] The mutilation of prisoner Gheorghe Gherasim, for example, by the sadistic Corneliu Marolicaru who cut his mouth to the ears and then sewed his cheeks with wire; he then broke the victim's leg and fractured his pelvis – all while guards looked on, laughing.

[2] The suspicious death of Ilie Creţoaie on the concrete floor in the shower, the massacre of Ciprian Petru Melinte, who was hit with a hammer in the knees and testicles, the suspicious deaths of Ciprian Sorin Iştoc, Mircea Pătraşcu, Ştefan Ghiocel Bălan and Mihai Roşu.

this last case drew across the country (covered by all TV networks on prime time) forced the Ministry of Justice to dismiss the warden from his position.

The debates on TV that followed brought penitentiary life to the public's attention—a system still governed in a way consistent with socialist totalitarian societies, a system that has negative effects on the prisoners and their families and on society as a whole.

Authorities tried to downplay the atrocities and therefore their own complicity. At times they even digressed into praising their own achievements. But those outside the system, working mainly with NGOs, presented the world of the Romanian penitentiary as it is: promiscuous, destructive for prisoners and staff alike, deleterious to their sense of responsibility and their attachment to the values of a normal society. Beyond the declared purpose of re-education, a penitentiary universe exists that works according to its own laws, most of which unwritten, but nevertheless born from written ones. This universe engenders a culture where its members feel, think and act in ways which may seem unusual, but are only natural to those "on the inside."

Defining culture

The way people in prison think and act—determined by regulations and habit—create, through repetition, certain patterns or matrices that limit behavior. These typifications become routine, common goods accessible to all individuals, and the penitentiary therefore typifies people and their actions. These matrices are called "mental programs" or "the software of the mind"[3] by some authors, analogous to the way in which computers are programmed, supporting the idea that institutions cause their members to act and behave in predictable ways.

A similar term for the penitentiary software, but more often used, is penitentiary culture. Usually by culture[4] we understand the style, atmosphere and refinement (together with its outcomes: education, art, literature) that ensure the uniqueness and social identity of an institution. **By penitentiary culture[5] we understand the beliefs,**

[3] Geert Hofstede – "Managementul structurilor multiculturale. Software-ul gândirii," Ed. Economică, Bucureşti, 1996, p. 20

[4] The term "culture" has been given different definitions over the years. We note one of the first anthropological definitions given by Edward B. Tylor in "Primitive Culture" (London, 1871): "a complex whole that includes knowledge, beliefs, arts, morals, law, customs, also any capabilities and habits acquired by man as a member of society." Traian Herseni, in "Civilizaţia şi cultura. 164 de înţelesuri"[Civilization and culture. 164 meanings] în "Almanahul civilizaţiei" ["The Civilization Almanac"] (1969) provides several definitions of culture, of which we note that of A. Kroeber and C. Kluckhohn from 1952: „culture consists of implicit and explicit patterns of behaviour and for behaviour, accumulated and passed on by the use of symbols, including their achievements in terms of tools. The essential core of culture consists of traditional ideas, emerged and selected over the course of history and, especially, of the values attributed to them; the systems of culture may be considered, on the one hand, as products of the action and, on the other hand, as conditioning elements for the future action." A useful bibliography regarding culture: Claude Levi Strauss – „Antropologie structurală," ed. Politică, Bucureşti, 1978; Edward Sapir – „Culture, Language and Personality. Selected Essays," University of California Press, 1958; Pitirim Sorokin – „Social and Cultural Dynamics," New York, 1957; Bronislaw Malinowski – „A Scientific Theory of Culture," New York, 1960; Ralph Linton – „Fundamentul cultural al personalităţii," Ed. Ştiinţifică, Bucureşti, 1968; Petre Andrei – „Filosofia valorii," Ed. Fundaţia Regele Mihai, Bucureşti, 1945; Tudor Vianu – „Filosofia culturii şi teoria valorilor," Ed. Nemira, Bucureşti, 1998; Aurelian Bondrea – „Sociologia culturii," Ed. Fundaţia România de mâine, Bucureşti, 1993.

[5] Penitentiary culture seen as a form of organizational culture. For further documentation on the various definitions, theories and concepts regarding organizational culture, see Edgar H. Schein – „Organizational culture and leadership," Ed.

values and ideas shared by the individuals inhabiting penitentiaries at any given time. These beliefs, values and ideas determine the emergence of norms and the behavioral patterns which result from these norms. The term *shared* doesn't mean that the prisoners and the staff have reached a unanimously accepted agreement concerning these problems (although sometimes this may be the case), but rather they were exposed to them in the same way and that they have a minimum of common understanding of the respective problems.

Penitentiary culture *is learned / acquired*, not passed on from one generation to another. It is generated by the institution and not by the individuals' genes, as the authorities often tend to claim. It represents "the operating system" of the institution, thus generating a "way of life" for the prisoners and the staff involved. Since it involves ideas, values and beliefs, penitentiary culture tends to be quite *stable* in time; it persists despite the fluctuations of the staff and it generalizes over the entire punitive system.

The lifestyle of the people inside the walls is difficult to be interpreted and acquired by the novices coming from outside, but it nevertheless shocks through its particularities. One of the ways to understand a culture is examining the symbols, the heroes, the rituals and values that characterize the institutional lifestyle – the latter ones representing, for Geert Hofstede, the learning and consolidation mechanisms for those inside.

The symbols are words, gestures, illustrations or objects that have a particular aspect recognizable only by those sharing a particular culture. They are expressed through a specific language, which makes understanding and communication easier.

The heroes are real or imaginary people, alive or dead, who embody the characteristics of a culture and serve as models of behavior.

The rituals are collective activities, technically useless in reaching the final aim, but which are nevertheless socially essential, since they are performed for the sake of performing.

The values are encompassing trends referring to a particular preference for certain states of things by comparison to others. They are feelings laden with powerful positive and negative meanings, which

Jossey-Bass, San Francisco, 1992; B. Schneider – „Organizational climate and culture," Ed. Jossey-Bass, San Francisco, 1990; Terrence E. Deal şi Allan A. Kennedy – „Corporate cultures: The rites and rituals of corporate life," Ed. Addison-Wesley, Reading MA, 1982; Geert Hofstede – „Managementul structurilor multiculturale," Ed. Economică, Bucureşti, 1996; Gary Johns – „Comportament organizațional," Ed. Economică, Bucureşti, 1998.

determine the nature of institutional norms. Norms represent the standardization of the dominant values of a group of people.

To Geert Hofstede "the four elements of culture take the form of onion peels, meaning that the symbols represent the most superficial manifestations of culture, and the values stand for its most profound layer, with the heroes and rituals positioned between them." [6]

None of these elements is presented separately to individuals. Their knowledge and integration at a theoretical, mental level requires a considerable amount o intellectual effort. To simplify things, they are transmitted under the form of "recipes," meaning knowledge providing the adequate rules of behavior for the institution.

Culture acts as a "filter" for reality. Only a small part of the information taken from the environment is integrated within the culture of a particular institution – only those that legitimize the already existent culture. The experience and information taken from the environment are sedimented, they "freeze" in memory as recognizable and recollectable entities, or they become "locked in project"[7] through a process of economization, which takes them out of the original context and makes them accessible to all members. Nobody knows, for example, who wrote the lyrics "Lord, don't let anyone experience / A prisoner's sentence," but they are a literary illustration of the prisoner's ordeal. Culture selects a certain amount of information from the environment, which it endows with strong significations that are afterwards imposed (sometimes coercively) on the individuals' consciousness using stylized "formulas." These "formulas' may appear to the outside observer as having a doubtful functionality and value, or even none of them at all. If someone were to ask what is the use of the high-pitched, jerky salute "Yes, Sir" accompanied by an appropriate body posture (getting into step, straight body, belly sucked in, eyes looking forward, etc.) he won't find an answer. But if he made the mental effort to take apart these rituals and replace them, he will understand their signification. A prisoner addressing the warden with "Gimme five, Gicu, my man!," walking up to him in a good mood and kissing him on both cheeks would thus attempt to destroy an entire structure on which penitentiary culture relies.

The origins of penitentiary culture therefore reside in the *typification* of individual activities inside the institution. By these

[6] Geert Hofstede – op. cit. p. 23

[7] Gabriel Liiceanu – "Apel către lichele," Ed. Humanitas, Bucureşti, 1991

typifications they accept their place within the organization, they prove that they internalized the prison's culturally built world within their consciousness, they accepted its standards. The roles they have actually represent order, and order *is* culture. Once institutionalized, it has the tendency to last.

Due to the different parts the individuals have in a penitentiary, there's a process of cultural segmentation which leads to the emergence of socially separated *sub-universes of meanings*. The sub-universes and "supported" by certain communities, i.e. groups which continually produce distinct meanings and which create objective realities. The most obvious of these are the two worlds: the prisoners' world and that of the staff. Their worlds are further divided into several sub-universes, structured according to different criteria: sex, function, age, religion, education, ethnicity, etc.

This multiplication of cultures makes it even more difficult to establish a stable symbolic shed over the entire penitentiary society, since every group has its different visions and perceptions of the world it lives in and the world outside. Their number and complexity makes them more and more inaccessible to the outside world. "They turn into esoteric enclaves, hermetically sealed to everyone, except those who have been adequately initiated into their mysteries. The greater and greater autonomy of the sub-universes raises some particular problems of legitimating both for the outsiders and the insiders of the sub-universe"[8]. For instance, it's difficult for a common burglar to be accepted in the community of VIP prisoners. People are kept at a distance by different techniques of intimidation, propaganda, lies, bribery and manipulation of certain symbols of social prestige.

The integration of these sub-universes in the institutional order, in the case of penitentiary culture, takes place through a process of *reification*[9], of perceiving human phenomena as being things, non-

[8] Peter L. Berger and Thomas Luckmann – "Construirea socială a realității," Ed. Univers, București, 1999, p. 104

[9] The term was introduced by Karl Marx in "The Capital," refering to "the fetishism of cunsumer objects." It was frequently used by other Marxists, such as Gyorgy Lukacs and Lucien Goldmann, being similar to alienation, with the subsequently derived meanings of anomie and neurosis. The term "reification" was separated from its Marxist use by the durkheimist sociologists over the last two decades, especially by Alfred Schutz, who suggested the term to better understand the first rule stated by Emile Durkheim in "Rules of the sociological method": social facts have to be regarded as things. See the evolution of the term in Camille Tarot – „De la Durkheim la Mauss. Inventarea simbolicului," Ed. Amarcord, Timișoara, 2001.

human, natural or divine deeds. These sub-universes become objective worlds, seeming to people as being something outside them. Their microcosms are perceived as reflections of the penitentiary macrocosm, the order of the cells, the medical cabinets, the clubs and workshops being in fact mere reflections of the "central" order, thus strengthening the idea of an inescapable destiny for all prisoners, making them decline any responsibility for it.

Penitentiary culture is perceived as an *objective reality*. It has a history going back before the individuals came to the institution and it is not accessible by just remembering their biographies. It existed before individuals populated this world and it will last after they are gone. This very history, as a penitentiary tradition, has its own objective character. It confers a certain strength and resistance when faced with trials of change or elimination, as well a coercive force stimulated by the control mechanisms it is endowed with.

Defining civilization

Culture is an important dimension of the penitentiary environment, but it *does not alone constitute* the environment. Culture is accompanied by civilization. Many experts consider the two terms to be synonymous. The distinction appears especially in the works of German authors, where "Kultur" represents the spiritual expression of a community, and "Zivilisation" refers to the material and technical aspects[10]. I will not extrapolate upon those theories that consider civilization as merely an extension of culture (in particular, Aurelian Bondrea who notes that "civilization is nothing but culture in action"[11]). Rather, we will accept Simion Mehedinţi's notion that civilization and culture are fundamentally different; one concerns the material world and the other is of a spiritual nature. He says that in every stage of human behavior, along with civilization, we find a proportional degree of culture [12]. This distinction is generally accepted, and has found an increased following over the past few years.[13]

By penitentiary civilization we mean the sum of all the technical and material elements that contribute to an individual's adaptation to the penitentiary environment: Civilization therefore reflects the living conditions, or quality of life.

In general, reports on the state of prisons refer to aspects regarding civilization, i.e. the quality of the environment, institutional relations, work, food, products, with the emphasis on understanding discrepancies in quality of life within prisons. They also examine the various social and

[10] In this respect, Simion Mehedinţi, Civilizaţie şi cultură. Concepte, definiţii, rezonanţe (Civilization and Culture. Concepts, Definitions, Resonances), Trei, Bucharest, 1999, suggests a similar definition: "just as a leaf has two sides: a shiny one turned to the sun, and a darker one, turned to the ground (which is nevertheless very important, as the plant breathes and feeds through it), so does human life has two aspects: an earthly one – civilization, i.e. material technique; and a heavenly one – culture, or the sum of all spiritual outcomes through which man seeks to reach a state of balance with the rest of the creation. Both are inseparable and simultaneous (not successive, as Spengler's historical morphology claims)" (p.70)

[11] Aurelian Bondrea – Sociologia culturii (The Sociology of Culture), Fundaţia România de mâine, Bucharest, 1993, p. 130

[12] Simion Mehedinţi – op.cit. p. 119

[13] Rundell, John and Stephen Mennell, Classical Readings on Culture and Civilization, London and New York, Routledge, 1998.

political strategies that have been applied for the sake of improving prison life. In this respect, studies have focused mainly on *state* indicators (environment, relationships, food, etc.) and on evaluating the institution's stated objectives. The issues surrounding penitentiary civilization can be placed in a hierarchy ranging from the elementary to more complex. On this scale we find issues such as medical care, eating and living conditions, education, security, recreation, communication, and even the professional qualifications of the staff. More complex issues would include how self-esteem or human dignity is protected within the institution.

Returning to the computer analogy: if we consider culture to be the "software" of an institution, civilization would be its "hardware."

Penitentiary civilization is *monitored*. Monitoring is an important method of measurement and observation attributed primarily to the fields of physics and medicine, but also used in social sciences. It consists of the systematic surveillance of phenomena and processes where the situation is tenuous, with the purpose of intervention before anything undesirable happens and things get out of control[14].

An analysis of the monitoring of the penitentiary environment involves dividing civilization into three parts: population, penitentiaries and services, or more simply *people, places and services*.

Monitoring the *people* involves an exhaustive measurement of the socio-demographic characteristics of the individuals that populate the institution at a given time.

Monitoring the *places* involves evaluating the way an organization is structured, how institutional roles and hierarchies are represented in the physical space of the building and environment.

Finally, monitoring institutional *services*, means evaluating the quality and quantity of the activities within the penitentiary, and even the relevant services that originate outside the institution.

Civilization implies setting up minimum standards of conduct. Violating these standards brings the institution to a level of barbarism

[14] This definition was suggested for the first time in Bruno Ştefan – Mediatizarea partidelor politice la posturile de televiziune şi impactul acesteia în opinia publică (The Publicity of Political Parties on TV and Its Impact on Public Opinion), in "Revista Română de Sociologie" (The Romanian Sociology Journal"), new series, year IX, no. 1-2, Bucharest, 1998, p. 48 and subsequently in Bruno Ştefan – Manipularea şi propaganda politică prin televiziune (Political Manipulation and Propaganda through Television), BCS, Bucharest, 1999, showing that monitoring was initially conducted with reference to respecting human rights in those institutions where human liberties were frequently disregarded.

and primitivism. Just like universities impose increasingly demanding criteria on their members (knowledge of foreign languages, publication of articles and books, participation in conferences, etc.), so the penitentiary environment is required to live up to higher and higher standards of civilization (space requirements for every prisoner, proper food, educational standards, etc.). World and continental organizations such as the UN, and the Council of Europe, have drawn up permanent recommendations and sets of laws that establish the minimum level of civilization, allowing for institutions to position themselves on a scale ranging from the most primitive to the most civilized.

Periodic official reports talk about the need to consistently increase the degree of civilization in these governed institutions. NGO and international reports talk about the necessity of bringing the civilization element up to modern standards. But with prisons, the *civilization process* is a sinuous one. Norbert Elias[15] has said that due to cultural constraints and internal regulations, it is especially difficult. Mobile phones are not allowed in penitentiaries—for either prisoners or staff. Communication with the outside world, and especially the press, could contribute to the disruption of order, i.e. culture, and therefore, as noted earlier, this could lead to a disruption of the very foundation upon which the penitentiary culture is built.

Alfred Weber[16] may have provided the best analysis of the relationship between culture and civilization, when he said that the civilizing process and the movement of culture are intrinsically different, divergent forms with distinct laws and processes. And they appear, over the course of history, as mutually exclusive phenomenologies. The civilizing process (the world of practical knowledge) is a process of reasoning and intellectualization which has three components: inner intellectual illumination (reasoning of the self), means of intellectual knowledge (science) and the outer intellectualized apparatus (tools, equipment). The elements of civilization are not disparate, but integrated within a universe of knowledge that is socially acceptable only when culture evolves as well. That's why practical, useful elements may be available, but have no use in certain organizations. According to Weber, the phenomenology of evolving and developing the civilization

[15] Norbert Elias – Procesul civilizării (The Process of Civilization), Polirom, Iași, 2001.

[16] Alfred Weber – "Fundamentals of Culture-Sociology" in T. Parsons, E. Shills, K.D. Naegele, J.R. Pitts – Theories of Society, The Free Press, New York, 1969, p. 1274-1283.

universe, both practically and theoretically, requires organizations to operate within their value system. They must potentially re-conceptualize and reconsider their own set of symbols, beliefs, and ideas[17]. Whether the level of civilization is raised or lowered depends on the internal arrangements and the relationship with the outside environment. Normally, any organization, including penitentiaries, accepts the elements of civilization, as: a) valid and necessary, b) coherent, c) useful to all d) inevitable to all, and e) intuitive.

Yet the movement of culture has the exact opposite features, since it: a) does not produce universally valid and necessary things, b) is internally limited by the organization, c) is not valid in other organizations, d) appears not as an objective universe (the case of civilization), but as an universe of symbols, and e) depends on the historical context in which it was formed and remains so even after this context is removed.

Civilizing prisons is, therefore, indeed a difficult process. They are closed to the outside world of course, and the process takes place under media scrutiny, and the eye of international organizations, and NGOs. Faced with inevitable civilization, initial changes are simple formalities, more often than not adopted by mimicry. The rights of the prisoners are frequently met with sarcasm and mockery by the staff. Although derogatory terms ("hey, gypsy!") are forbidden and replaced with other, more polite ones ("mister prisoner"), staff members often combine the two ("mister gypsy prisoner"), as a way of not only entertaining themselves and their colleagues, but of defending their culture in the face of external civilization.

The term "development" is not very applicable when speaking of culture, however and therefore, we use the aforementioned term, "movement." Culture does not develop, it moves to and fro, in rhythms and cycles, inconsistently. It can be diluted when faced with the expansion of civilization. According to Oswald Spengler, cultures may enter a phase of decline and crash if they accept some scientific or technological advances. Alvin Toffler provided a notable description[18] of the way in which the birth control pill contributed to the "sexual revolution"; by freeing women from the risk of pregnancy, the birth control pill changed male-female relationships, making the male expectation of a virginal woman almost obsolete.

[17] Alfred Weber – op. cit. p. 1277

[18] Alvin Toffler – Al treilea val (The Third Wave), Politică, Bucharest, 1989

The potential introduction of condoms in prisons would create a similar dynamic. Accepting this idea would mean recognizing the existence of homosexual relationships amongst prisoners, a subject which would then serve as a gateway to other, even more sensitive subjects: sexually-transmitted diseases, the acceptance of "sexual receiving rooms," the legalization of prostitution, "sexual leave," and so on. In this respect, introducing the condom would threaten the culturally instituted order. Its acceptance would only happen if culture is "cornered," or forced to change.

The same applies for the demilitarization of penitentiaries, which occurred recently at the insistence of European forums. It resulted only in turning former policemen into office workers. The change was accepted because it was not a brutal violation of the existing cultural order, or the "previously established" state of things[19]. In fact, behavior and relationships remained the same. The uniforms were the only thing that changed—which in turn, meant more financial resources for the institution.

The task of cultures is to penetrate the social and civilization substrata of historical development, to structure civilization, to give it shape and style, polish it and integrate it within a new organizational order. Being "stuck in the project stage" creates discrepancies, highlighting, to an even greater extent, the anachronism of certain institutions.

The culture and civilization of an institution are connected by the shared vision of its leading authorities, particularly those that control its basic functioning. The reform of the health-care system initiated by Bill Clinton in the United States had profound consequences on the culture and civilization of the medical system: the introduction of advanced technology overturned the hierarchies and rituals of practice which had existed for decades and replaced the virtues of handicraft with the electronic precision of computers. Medical "tall-tales" or fabrications, the heroes of the system, the dominant beliefs and ideologies—all these became obsolete or underwent a radical transformation. In the same way, the Scandinavian countries instituted significant penitentiary reform four decades ago, and it turned punishment establishments into modern civil institutions, causing the prisoners' slang, values and rituals

[19] Term used by Claudiu Niculae – Schimbarea organizaţiei militare. O perspectivă (neo) instituţionalistă (The Change of Military Organizations. A (Neo) Institutionalist Perspective), Tritonic, Bucharest, 2004

to disappear after almost two hundred years in which these values formed the foundation of the institution.

Methodology

The relationships between culture and civilization within the penitentiary environment are much more complex if we analyze the relationships between their components. The analysis of these components represents the very objective of this work, and its presentation requires an *ethnographic* approach. The symbols, rituals, ceremonies and ideas circulating in prisons have no meaning if we view them externally since they are laden with internal significances. They cannot be understood by using quantitative methods (polls, psychological tests, etc.), but only by an ethnographical analysis, which implies participation, sharing, and identification with the groups inside the prison. This can only be achieved by direct observation and experimentation. The best way to capture the prison world is to live inside it and take part in the ordinary or sensational events it is forced to accept, and then try to decipher, interpret and clarify the meanings. Just like a puzzle, we can then reconstruct the culture of an institution by identifying each constitutive element and by joining them coherently.

In order to avoid excessive subjectivity, an efficient solution is to describe those things that can be identified in several penitentiaries, as well as those which are constant in time. The culture of closed organizations does not change easily over a short period of time. Comparison sharpens perception, and is therefore the most appropriate way of seeing the difference between ordinary and extraordinary things, allowing for a classification of phenomena, and a deconstruction of their mechanisms. As Emile Durkheim notes, there is only one way to prove that a phenomenon is the cause of another, and that is by comparing the cases in which the two phenomena are simultaneously present or absent.[20]

But comparison is achieved by separating phenomena, by taking them out of the context which produced them, and this leads to distortions and diluted explanations. To avoid this, one possible solution is to increase the number of cases analyzed.

[20] Émile Durkheim – Regulile metodei sociologice (The Rules of the Sociological Method), Polirom, Iaşi, 2002

Comparisons create classifications, typologies and models of understanding, which in turn lead to generalizations. One Aristotelian maxim states that "No science exists without generalization." Even if reality does not fit entirely into the classifications and typologies used (and even less into the theories used), they are still able to effectively illustrate the similarities and differences between organizational phenomena.

Far from minimizing their importance, quantitative methods are the second most important way of analyzing prison culture. However, both the staff and the prisoners are afraid of expressing their opinions in order to avoid unpleasant consequences. In a culture of secrecy and duplicity, questionnaires are often either filled in randomly, or answers are intentionally misleading. Additionally, this method cannot depict the world which escapes standardized questions. How can we formulate questions about their secret language, about their slang? How can we question the frequency of phone calls with their families, when mobile phones are officially forbidden and usually smuggled in with pies or stuffed peppers? And what about the frequency of snitching or beatings—which any authority figure would surely contest?

I shall present the data and results of the research conducted by officials to understand the applied strategies of re-education. I'll also present the results of psychological tests that evaluate the consequences of deprivation: suicide attempts, perturbations of the hierarchy of values, etc. Over the past 15 years I have repeatedly applied sets of psychological tests to a significant number of staff and prisoner groups, Subsequent analysis has identified both psychological and behavioral profiles, and illuminated the elements which caused their change or preservation. Despite changes across the penitentiary universe during this time, tests results have been strikingly consistent, supporting the idea that the fundamentals of penitentiary culture are not dependent upon the individuals populating the institution.

Finally, there were the interviews with hundreds of prisoners and staff, as well as the analysis of relevant documents and other works published on the subject which contributed to the completion of the methodological approach to culture.

The study of penitentiary civilization required an exhaustive quantitative analysis. The primary focus was on the investigations conducted by international organizations and NGOs, which established some social indicators. Grouping these indicators into three fundamental categories—population, penitentiaries, and services—made it easier to

compose a scale of the civilization and modernizing processes. To evaluate the degree of compliance with minimum international standards of civilization, European specialists composed increasingly complex grids of analysis, which they then applied to all continental countries. The order of these countries according to each category revealed certain organizational patterns. The resulting classifications highlighted two opposing tendencies, almost like magnets for the countries and their area of influence, with varying degrees of intensity: a liberal, community tendency, as evidenced in Anglo-Saxon European countries, and a conservative, national tendency, represented by the former communist countries. Despite declarations of reform and modernization, the authorities in these latter countries continue to be stuck in a totalitarian vision of punishment, making statements that were either demagogical or misleading. The balance that exists between repression and recuperation is clear across almost all European countries. The degree of institutional civilization depends on the national authorities' vision of punishment, the rights and liberties granted citizens and certain social groups, the effectiveness of the justice system, and on the public attitude toward justice and criminality. Regardless of funds, manpower or the consequences for society, the victims, the criminals or their families, there is still always an oscillation between the attitude of locking up prisoners and "throwing away the key," and re-education.

The analysis of penitentiary civilization implies a deconstruction of all mechanisms within an institution. What keeps them in their current state? What are the necessary steps to modernize them? What are the costs? What results can be achieved both on the inside and outside? Is civilizing prisons profitable? How can they become lucrative and at the same time increase their social utility? The answer to these questions divides experts into two camps: those who claim that prisons should be abolished, and those who support the establishment of entirely new prisons. Despite the extraordinary development of penology as a science, discourses on the efficiency of prisons are fewer and fewer, with a preponderance of those questioning their very necessity.

Instead of a distinct chapter on theoretical approaches, I insert them into all those chapters that deal with civilization, with a strict reference to each of the analyzed indicators. This way, I avoid the static frame of numerical data (as these indicators measure a particular state at a certain moment in time) and position the work within a more dynamic

frame, with references to the recent past and predictions about the near future.

Understanding the changes that have taken place and which are due to take place in the penitentiary environment has greater impact if we understand them from a historical perspective. Prisons and their functions have changed over time. The study of old documents, and writings by different historians have shown that there is an enormous variation in thought related to punishment and the role of prisons over the course of history. The scarcity of documents in some periods invites speculation, just as the abundance of documents from other periods suggests, perhaps, a rather simplistic schematization. Despite these inevitable issues with the historical approach, going back into the history of Romanian prisons opens a window to the future of the institution. Prison was at times the center of society (as an integral part of manors and noble palaces). Punishments could be carried out in private, or in public. Public physical punishments are impossible today, despite those who advocate its return. Yet, bringing the prisons themselves back to the public space is no longer as utopian an idea as it seemed several decades ago.

An outline of the penitentiary of the future was created by combining different measures of reform undertaken by different countries. Appropriate fines for abusive staff, video surveillance, electronic bracelets, magnetic access cards for specific areas, public television programs that detail the prison world, and various management structures that mimic private, university, or religious institutions—all these reform efforts initiated by various countries will eventually have a place in the Romanian penitentiary as well. The pace of change will likely speed up now that Romania has become a member of the European Union. Similarly, globalization will likely level the civilizing difference between countries, with profound consequences on national cultures. Prison folklore and slang—now extremely expressive and continuously updated—will disappear forever, together with an entire arsenal of symbols, rituals, and values, as has already happened in the more developed European countries. Most elements of penitentiary culture and civilization will be subjected to significant transformation, due to intense pressure coming from the outside.

As a self-sufficient institution, the analysis of a prison implies using a complete complex of methodologies. Combining the various methods of research requires a focus on interpreting results, rather than explaining methods. Since the penitentiary environment is particularly

abnormal, researchers from various fields have become interested in its study. The analysis of culture and civilization involves sociological, psychological, psychiatric, demographic, historical, architectural, literary, judiciary, and other types of studies. Penitentiary culture and civilization requires a multi-disciplinary approach and one can only expect the emergence, or potential emergence of mathematical, geographical, biological, genetic, musical, and even athletic perspectives to shed new light on the phenomenon.

ELEMENTS OF PENITENTIARY CULTURE

Symbols

For any individual—be it a prisoner, employee or even a visitor—the transition from the street to the cell is significant. It is clear that the person has entered an entirely different world. From the outside, prisons are viewed as forbidden places of interdiction, impenetrable for the uninitiated eye. Entrance, after all, can only be granted by "superiors." The massive gates, the thick, imposing walls, the barbwire, and the armed policemen all create a clear distinction from the outside world. The space is organized according to a different set of rules, specific sanctions and strict discipline. The walls represent the very real rift between two worlds; they represent the existence of a new universe whose understanding can only be achieved gradually, by deciphering its symbols.

The term "symbol" comes from the Greek, *symbolon*, meaning "mark of recognition" (*sym-ballo* being a coin cut in two, which, when put together and matched, served as proof of friendship, hospitality or union). With the arrival of Christianity, symbol has come to mean "secret, mark of recognition and initiation," used to designate something that allows a community to gather around a sign, belief, or value considered to be a sacred union. **The symbol designates "something (anything) that socially *signifies,* or reminds of something other than what it is"**[21]. For some specialists[22] a symbol stands for many things and is significant on many levels. The connection between the symbol and the referent is not arbitrary; but based on an association of attributes. For example, a flag posted at the entrance to a penitentiary is

[21] coord. Cătălin Zamfir, Lazăr Vlăsceanu – Dicţionar de sociologie (A Dictionary of Sociology), Babel, Bucharest, 1993, p. 546.

[22] Victor Turner – "The Forest of Symbols," 1967, in Dicţionare de sociologie (A Dictionary of Sociology), Gordon Marshall (editor), Univers Enciclopedic, Bucharest, 2003, p. 520.

not simply a piece of tri-colored cloth of course, but it represents an attachment to the values of the nation, the fact that the institution serves the country. Moreover, the flag demonstrates that the institution is a *national* institution, established and controlled by the state, subject to a military authority. It also signifies methodical organization, a rejection of anarchy and disorder. It denotes a rigorous structure, with precise delineations of power, and the supremacy of the rule of law, discouraging violations of any kind.

According to Georges Gurvitch, symbols are external stimulants meant to carry orders to or from societies and groups, prescribing certain behaviors. Social symbols are expressions that act as intermediaries between a particular signification and the collective or individual subjects who are meant to understand it. Any social symbol has two poles: an incomplete sign, or an inadequate expression, and a participation tool. These two poles may be unequal, but neither both are required to maintain the individual character of any symbol.

Prisons are therefore built on symbols, rife with multiple meanings, which can mean different things to different people. These symbols and their meanings are revealed gradually, indicative of the initiation process into the secrets of the penitentiary.

For Carl Gustav Jung[23], the symbol represents the energy of an archetype, the constellation of the conscious psyche through which the awareness process, in a camouflaged form, is produced. This awareness happens in three ways: 1. when the meaning is not entirely grasped but the symbol maintains its vitality; 2. when it is exhaustively deciphered and becomes an allegory; 3. when it is misunderstood and turns into a hallucination, psychosis, or neurosis.

The symbol has the propensity to form perpetually fresh "chains" concerning the important moments of detention, having three functions: representation, mediation and unification. The main coordinates of symbolic thinking are: 1. no distinction between the subject and object; 2. identifying the part with the whole; 3. reducing the multiple to the singular; 4. identifying essence with appearance; 5. The overlap of time-space relations 6. The blurring of the lines between levels of existence (matter-spirit, animate-inanimate); 7. The assimilation of origin and causality; 8. Hylozoism (anthropomorphism of cosmos); 9. The interpretation of any likeness as identity and of contingency as causality;

[23] Carl Gustav Jung – In lumea arhetipurilor (A World of Archetypes), Jurnalul Literar, Bucharest, 1994

10. The division of the world into two distinct areas: the sacred and the profane, pure and impure, good and bad, staff and prisoners.

For George Călinescu, "a symbol is not a notion by which we mean something else, as in aurora and dawn. A symbol is an expression stating at the same time order within the micro system and the society. To be initiated means to be instructed that these two types of order always go hand in hand."[24]

Symbols are not singular, although the referents may be. Symbols are grouped in "choirs" denoting the same things at the same time. The plaque at a building's entrance that identifies an institution (Ministry of Justice, General Department of Prisons, X Maximum Security Prison), or the prisoners and staff uniforms have about the same significance as the flag. Therefore, several signifiers help to confirm the institution's identity. They play the role of conservation agents of the prison world.

At the same time there are also opposing "choirs" which reveal other realities. We often find prisoners mutilated as a result of multiple suicide attempts, proudly wearing the scars of their sliced veins. Each group builds its own sets of signifiers, which note either a refusal to identify with assigned roles, a degradation of status, or perhaps the success of re-education, etc. The "choirs of symbols" interact both between themselves, and with the respective penitentiary. The symbolic universe is a source of legitimization. As constituted, it represents a set of integrating ideas that give different meanings to different fields. Taken together, they make the penitentiary a symbolic whole.

According to Berger and Luckmann, all the elements of the institutional order create a comprehensive reference system which constitutes a literal universe, because *any* human experience may now be considered as taking place *within this universe*. The symbolic universe is a matrix of *all* objectively social and subjectively real meanings; the workings of the society and the individual happen *within* this universe. What is especially important is that marginal elements in an individual's life (marginal in the sense that they are not included in one's day-to-day social life) are also included in the symbolic universe. These can take the form of dreams or fantasies, areas detached from daily life but endowed with a reality of their own. Within the symbolic universe, these detached areas are integrated into a meaningful whole which helps explain, or

[24] George Călinescu – Istoria literaturii române de la origini şi până în present (The History of Romanian Literature, from the Beginnings until the Present), Minerva, 1982, p. 120

even justify them. Its capacity to gather meaning transcends social life; the individual may use his solitary experiences to help locate himself within this universe.[25]

Penitentiary symbols therefore help form a universe of meanings which provides order for subjective experiences. Nothing is left out. There are no unintelligible enclaves. All marginal situations are integrated in a symbolic hierarchy, making them more understandable, less frightening and more apt to inspire false hopes. In other words, the symbolic universe puts every thing in its place, justifying it and ordering it according to an institutional logic and hierarchy.

Symbolic integration is crucial for the proper functioning of the institution. It operates day-to-day roles, priorities and actions, placing them in context. In this way, every action fits into the banal penitentiary routine.

Placing the activities within "the nature of things," within the natural and everyday is achieved at all organizational levels. The individuals understand that everything inside a penitentiary has a meaning, a place and a clear symbolic utility; they are consistent and socially recognized.

As I will show in one of the subsequent chapters, the symbolic universe also instills order to history, including past, present and future. With regards to the past, it establishes a "memory" shared by all socialized individuals. With regards to the future, it establishes a common frame of reference.

In a closed institution, the symbolic universe structures itself even more strongly than in an open institution, since contact with other universes is minimal or nonexistent. The "outside" world is too weak to penetrate the symbolic universe of the "inside." Regardless, this is generally not society's goal. To the "free" people, the penitentiary environment is frightening; they do not want to know it well, and avoid any contact. In a way, they perceive prisons as human cesspools created to eliminate society's waste; few are interested in coming into contact with what is considered sewage. Society's general indifference toward prisons contributes to the specific culture of prisons. Albeit rudimentary and fragile—in comparison with the complexity of the "free" culture—the penitentiary symbolic universe is extremely resistant. The confrontation between alternative symbolic universes demonstrates this

[25] Peter L. Berger and Thomas Luckmann – op. cit. p. 114-115.

power struggle: which of them develops more convincing justifying mechanisms, i.e. myths, and language, etc.

The confrontation between these two worlds often leads to the *degradation* of certain symbols. The organizational changes that take place cause the meaning of some symbols to erode. Recent demilitarization, for example, led to a degradation of the military status. The military career no longer represents a means to an end for the employees working in the system, and the symbols of military success, expressed in ranks, uniforms, daily citations, etc., have disappeared, replaced with those of civil servants.

Any symbol degradation generates frustration. Military officers—who used to represent the institution's dominant class—were overtaken in rank and responsibilities by civilians, who advanced to the top of the career ladder without being subjected to the rigor and deprivation of military instruction in special schools. At the same time, their opportunities for professional promotion were blocked since access to the position of commander became reserved for magistrates (according to the German model). A hierarchically organized world was disassembled, a world which was divided in casts, visible for instance in the way in which mess halls were divided into three dining rooms: one for the commander and his deputies, one for the officers and a third one for deputy officers. This division was also accompanied by a discreet repartition of food, favors and benefits.

At the lower levels of penitentiary reality, symbols are structured in an infantile way. *The infantilization process* of symbols takes place in two ways, according to Mircea Eliade[26]: either an 'academic' symbolism ends up serving the lower strata, and thus its primary meaning is degraded, or the symbol is perceived childishly, excessively rigid and detached from the system to which it belongs. An example of the former situation is the act of beating prisoners. Previously, this might have been theoretically justified, authorized and carried out by superiors. Forbidden by law, it was tacitly passed-off to inferiors (usually masked bullies) and was possible only in areas that were relatively inaccessible to the NGOs or judges: in the courtyards, in the halls that had no video surveillance, in the hidden corners of the cells (in the toilets, under the beds or under the blankets), etc. Another circumstance of the *infantilization* of symbols occurs in relation to the library, whose role of providing information for

[26] Mircea Eliade – Tratat de istorie a religiilor (A Treatise on the History of Religions), Humanitas, Bucharest, 1992, p. 405.

spiritual education is secondary to its role as a sort of trampoline to achieve a higher social status. Both prisoners and staff use the library to prove to superiors that they are sincere and committed in their desire to be educated. (The library can also represent an escape from other, more stressful places).

Childish symbols go hand in hand with the more elaborate ones, transforming an object or an act into something else entirely. Their purpose is to unify the vision of the institution and to socialize the individual with the environment.

Space

Perhaps the best way to understand the meaning of symbols is to analyze the way in which space is divided within this particular universe. The individuals living in this world—be they prisoners or staff—learn from the very moment they enter the institution that there are *forbidden spaces*, where access is limited or denied. For the prisoners, administration buildings are such a space. There are granted access only while under surveillance and under special circumstances. They are not allowed to move freely within this space. For the staff, the prisoners' cell is a forbidden space; they enter this area only when accompanied by the team of "masked men."

In a world where each individual lives under constant scrutiny of colleagues and superiors, it is natural for the prisoner to desire *personal space*, or a protected space. The bed in the cell represents such a space[27], or even one's side of the bed, in the case of shared beds. For the staff, it is the office. Each individual fills his space with objects that might bring him some comfort, pleasure and control: posters, a coffee pot, a shaving kit, a radio or other personal belongings. Due to the limitation of this personal space, they tend to extend it over adjacent areas with things that remind them of "home," and this often leads to conflicts between people sharing the space. Taking possession of other people's personal space deprives the weak ones with no authority, who have to find such spaces inside bathrooms, in the hallways or in various dark corners. VIPs or bosses often abuse the spaces of the other colleagues. I have met rich and famous prisoners in jails who took over the best places in the cell, even demanding that adjacent beds be cleared off, leaving other prisoners to sleep on the floor or cram together in one bed. Similarly, I have met department heads who refuse to share their office with the other employees, forcing them to sit in the hallway.

[27] The position of a prisoner's bed in a cell is representative of the individual's social status in the community. There is greater demand for "ground floor" beds, since it is harder for the guards to notice them, the prisoner is not bothered by the light left on all night long and has easy access to the bags stored underneath. The upper beds – especially those on the third level – are reserved for "dupes," "suckers," "nephews," or "blabbers." "Cool guys" or "slicks" always take the "ground floor." When there aren't enough "ground floor" beds, they'd rather share the "ground floor" beds than go one level up.

The battle for territory takes place not only where people spend most of their time, but in other areas such as in clubs, the courtyard, or in walking areas. Places are divided according to an unwritten "first come, first serve" basis, and "the strongest takes whatever he wants" rule. Warrant officers equal in rank and with similar function, but with different levels of authority and connections, divide these spaces into privilege areas and punishment areas. The best examples are those of famous prisoners: Miron Cozma, Gabriel Bivolaru and Fane Păvălache from Rahova penitentiary, who take advantage of the best cells, with few cell-mates, with unlimited access (whereas most inmates receive very limited access) to the courtyard, or the walking areas, unlimited access to the receiving room, unlimited visitors and mail privileges ("favors" allowed twice a month at the most to the "well-behaved" prisoner and denied to the often disobedient ones). The same takes place in Iaşi where the famous pedophile Kurt Treptow has the right to additional walking time, accompanied only by certain colleagues, and has a "special detention status" (The staff justifies this distinction so as "to not affect Romania's image abroad").

Personal spaces are extended for those holding different functions. The prisoners working in the kitchen take over that space whenever they want to stay away from the daily hassle of the cell. The same personalization of spaces can be noticed in storage rooms, lavatories, gardens, in the service rooms or basements, etc. Describing this process, Goffman wrote that the patients and staff tacitly cooperate to allow for the emergence of some clearly delimited spaces where the usual level of surveillance and restriction is significantly reduced, spaces where the patient may engage freely in some otherwise forbidden activities, enjoying a certain degree of safety. These places also have a low density of patients, which contributes to a characteristic, relative calm and quiet. The staff has no knowledge of these places, or if they do, they either avoid visiting them, or, if they enter such places, they surrender their authority. In short, freedoms are essentially mapped out. I shall call these regions *places of freedom*. We can expect to find them especially where the authority of an organization belongs to an entire group of employees. The places of freedom constitute what is "offstage" to the usual show offered by the relationships between the staff and the incarcerated.[28]

[28] Erving Goffman – Aziluri. Eseuri despre situaţia socială a pacienţilor psihiatrici şi a altor categorii de persoane instituţionalizate (Asylums. Essays on the Social Situation of

Both the staff and the prisoners are interested in finding some places of freedom. Despite the poor conditions, they are permanently sought after, primarily because they are "filled with a feeling of relaxation and self-determination, contrasting strongly with the state of anxiety which dominates some departments"[29]. Guards gather on the staircases to throw dice or play cards. They use toilets excessively to relax or to hide illicitly obtained goods. They spend more time in the medical offices if they are friendly with the medical staff. The more unpleasant the environment where the individual has to spend a majority of his life, the more valuable these alternative places of respite.

These spaces have different functions depending on the season. Cool places are understandably in high demand during the summer, and warm ones in the winter. The battle to work in the kitchen is more intense during the winter, for example, a place that not only ensures a supplement of food, but a warm place to stay.

The largest space in a prison is the *passage space*. This means gardens, alleyways between buildings and those that lead to the streets beyond. These are places where no one from the inside is allowed to gather. They are the protocol spaces, immediately recognizable to any visitor. Nicely laid out, with flowers or trees, painted sidewalks or freshly painted walls, they are required to look clean and orderly. For any stranger inspecting the place, this space *is* the penitentiary. This is where the prisoners are brought from their cells to talk to officials. The administration building and the church (present only in some establishments) are placed in the middle of this space, or nearby. The administration building has the same tidy appearance. In comparison to the prisoners' buildings, it is clear that the space allotted to the "elite" is considerable. A secretary or an accountant enjoys a considerably larger space than a guard, equipped with all the appropriate modern furnishings: refurbished windows, modern shades, expensive furniture, recently tiled bathrooms, with fancy faucets and large mirrors, phones and expensive TVs, high-performance computers, etc. More often than not, the secretary's office is larger than a cell filled with 40-70 prisoners or the office of ten deputy officers.

The most shocking aspect of the passage space is how sparse it is, in comparison with the overpopulated cells. This discrepancy proves that

Psychiatric Patients and Other Categories of Institutionalized People), Polirom, Iaşi, 2004, p. 201-202

[29] Erving Goffman – op. cit. p. 202.

prison management is interested in keeping the jails overcrowded, even if this results in greater stress for the lower staff and the prisoners. There are multiple explanations to this, according to Graham Giles:

Overcrowding requires more money invested in maintenance and building new penitentiaries.

Overcrowding perpetuates the need to ensure higher security, requiring a more dynamic military staff.

Overcrowding offers considerable possibilities for the people responsible to exert profitable pressure (bribery) on prisoners regarding arrest, bail, and release on parole or surveillance of all contact points.

Overcrowding supposes a slow rate of change and a limited basis for reform. [30]

Controlling space therefore means controlling a culture. By imposed overcrowding, the free society is forced to contribute more and more money which is then invested (when not defalcated for one's own use) to strengthen the existing punitive system, to create enhanced security mechanisms and have them remain unchanged. Understanding these methods of space-management within the prison reveals a system of punishment and an entire institution that can be described as undemocratic at best. Further investigation will reveal just how grotesque this universe can become, often degenerating into violence, even murder.

The architecture of prisons best highlights the vision of authorities on punishment and space management. Most prisons were built in the 19th century and reflect the philosophy of that time, but there are also penitentiaries that have been built over the last few decades (for example, Rahova and Giurgiu), that are trapped in a vision which does not consider that prisoners should return to society as somewhat rehabilitated citizens, not increasingly dangerous, as is often the case. Some specialists have labeled these prisons true "penal damagers"[31].

Penology as a science contributed to the development of a school of penitentiary architecture which underwent several stages: from "custody prison" preoccupied with institutional security and prisoner discipline, to "progressive prison," characterized by the extension of

[30] Graham W. Giles – Administrarea justiției în comunitate. Standarde și reglementări internaționale (Administrating Justice within the Community. International Standards and Regulations), Expert, Bucharest, 2000, p. 11.

[31] Howard Gill – "Correctional Philosophy and Architecture," in Journal of Criminal Law, Criminology and Police Science, no. 53 (1962), p. 312-322

medical and industrial practice and re-education programs, going all the way to "professional prison," where the life of the prisoners and their interaction with the outside world are facilitated by the authorities.

It is true that the types of punishment differ depending on the architecture of the buildings, and this is no accident—it represents the expression of valid criminal policies at certain moments in time. But these buildings can be subject to improvement or even be razed and rebuilt. Even if altering the architecture of detention establishments is difficult without investing a significant amount of money, it remains inexcusable to allow the continuation of conditions that violate human rights.

A good prison is built in such a way as to facilitate good relations between the prisoners, with plenty of space and opportunities to develop useful activities, to ensure decent conditions to live and work. The totalitarian age is no longer recommended for all prisoners. Therefore, minimum standards were established regarding the area and height of the cell, light and ventilation, access to lavatories inside the cell, access to the kitchen, gym and bathrooms, communication facilities, sexual needs, etc.

Romanian prisons, both old and recent, are still tributary to totalitarian thinking, despite recommendations coming from European specialists stating that no prison should have more than 500 people (prisoners and staff), because promiscuity would render any attempt at re-education ineffective, and the costs of maintenance are too high. In the United Kingdom, for instance, one particularly prestigious school of architecture took into account that prisoners are not just simple creatures that can be kept in confined places, but people with certain needs, certain characters and behaviors.[32]

Primitive architecture fostered a specific pathology in Romanian penitentiaries and, as a result, they are now overcrowded, with an average of over 1,000 prisoners per prison (there are also more than 2,000 people arrested in the establishments around the major urban centers of Bucharest, Iasi, etc.).

The effects of penitentiary architecture on the creation of an abnormal psycho-social climate were demonstrated by Phillip Zimbardo

[32] See in this respect the works of Sean McConville, especially Prison Architecture – Policy, Design and Experience, Architectural Press, London, 2002, and the book by architects Allan Brodie, Jane Croom and James O`Davies – English Prisons: An Architectural History, English Heritage, London, 2002.

in 1971 during the *"Pirandellian prison"* experiment, also known as the "fake prison" experiment. The psychologist selected twenty-one student volunteers from Stanford University (depending on their emotional stability, physical health, maturity and knowledge of the law), ten of whom were made to act as prisoners and eleven as guards. Faced with real prison conditions (in a Palo Alto, California establishment), the students soon took to their assigned roles, and started to demonstrate manifestations of cruelty, hostility and aggression, such that the experiment was halted after the sixth day, although it was intended to last two weeks. According to Zimbardo, the pathology observed during this experiment cannot be attributed to the personality of the subjects, since all "abnormal" students were excluded in the selection process. The source of behavioral disorder is found inside the institution, which stimulates the development of human relationships based on force. The prison is a paranoid construction which limits the fundamental freedoms of people, creates anxiety and facilitates absurd behavior[33]. It is the ambience and power-structures within prisons that are responsible for triggering the horrors that occur in penitentiaries, and not the sadistic nature of the surveillance staff or the antisocial nature of the prisoners. The structures of power from prisons demand that guards punish the prisoners for breaking the rules, and the latter have no control over their environment[34].

[33] Phillip Zimbardo – "A Pirandellian Prison," interview published in the "New York Times Magazine" no. 330/1972. The subjects-prisoners were locked up in cells and submitted to the same treatment as real prisoners, to observe the arbitrariness of punishments, dependence, frustration, dehumanization, racism, they were forced to obtain permission to use the toilet, to smoke, to write a letter, forced to deal with frustration caused by hygiene, sex and food. The subjects-guards were put through a process of de-individualization, dressed in uniforms and wearing glasses, they were asked to abide to the manual of correction officers from San Quentin. Incidents occurred from the very first day; the guards became more and more aggressive, and the prisoners more and more passive. Zimbardo noticed that the institution allowed for the development of certain systems of privileges for the "good" prisoners and of sanctions for the "bad" ones. The existence of some sources of power on other people made the subjects-guards to start insulting the subject-prisoners, to address to them aggressively, impersonally, degradingly, which rapidly degenerated into degrading hostility and cruelty. "The tendency to control the others is greater in a closed environment, and violence breaks out immediately... Any normal individual identifies himself with the assigned role, no matter how abject that would be." (Ph. Zimbardo – quoted interview)

[34] Eysenck Hans J., Eysenck Michael – Descifrarea comportamentului uman (Mind Watching), Teora, Bucharest, 1998, p. 53.

Time

Any penitentiary phenomenon takes place over a certain period of time. Time has other meanings in a closed institution than in an open environment. Temporality and the way in which time is managed represent the very essence of punishment.

Penitentiary temporality includes an entire array of temporal reference points: first of all, duration, as individual waiting time (with various amplitudes); then there's the entrance moment (differently perceived by first-timers and recidivists), followed by the serving rhythm, daily structured into well-limited hours.

For the authorities, **functional time** is the essence of the penitentiary, since it sequentially regulates the mechanisms which allow the institution to fulfill its general function: administering punishment. With regards to this function, we have several stages of functional time: genetic time, orderly / ordinate time, dynamic time and waiting time[35].

Genetic time is the time when the individual becomes aware of the duration of the sentence, and the daily and nightly routines. This may be constituted by precedence (when the individual is under preventive detention), by concomitance and subsequence. This is the time of information, when the individual becomes aware of what waits for him in jail. Usually, this genetic time—both for the prisoners and for the staff—is of rumors about the world the person is about to enter. It is full of uncertainty, and its duration cannot be calculated for any individual person. In this genetic time, each person tries to hold on to the social status previously acquired, as well as to some of the things that define his personality.

Orderly / ordinate time destroys genetic time, as it marks the individual's adaptation to the environment. It establishes an official relationship between individuals, who are no longer perceived as anonymous, but are known to have a distinct social status. This is a static time, a combination of consensus and constraint that places human actions in order. It de-socializes and equalizes at the same time. The

[35] I found this classification of time in Pavel Câmpeanu – România: coada pentru hrană (Romania: Queuing for Food as a Way of Life), Litera, Bucharest, 1994, p. 71

ordering action of time consists in converting the random discrepancies of entries into the regular rhythm of exits.

Newcomers and those who leave the system generate movement within the organization. This coming and going creates a *dynamic time*. This is the living time, accompanied by a great deal of anxiety and curiosity, producing a surge of crowding. Dynamic time is sequential. It also occurs in the case of movements and population exchanges between departments or prisons. It is an irregular, perturbing time which operates cutting ups within a penitentiary population. These movements are a source of strong emotions, hopes and disappointments, new connections and new attempts at climbing the social ladder. The status changes produce psychological changes, and that's why dynamic time is also the time of strikes, suicide, violence and institutional disturbances.

Waiting time is the longest, dominated by a flat calm, when everything seems to be stagnant. It is the dead, inert time, that one hopes will pass quickly, turning everyone into a community of failures. This is the time when the failure of being incarcerated is apparent, and frustration has subsided. The obvious wasted time is all-encompassing and nothing from the inside seems to offer any distraction, or satisfaction. Separation from the outside world is felt even more palpably. Officially, it is called "spare time," dedicated to relaxation or any other individual business. In reality, it is a time of passivity and inefficiency, of general docility and resigned subsistence. It does not meet with the features which may usually define "spare time"[36]: *the liberating feature* (it does not remove obligations), *the free feature* (the individual enters a web of informal relations which often have a material or social end: bets, gambling, fights, etc.), *the hedonistic feature* (it cannot be associated with the pursuit of happiness) or the *personal feature* (it does not allow the individual to escape boredom). In light of this, waiting time is not a time of leisure, but a time of denial. Dominated by unsatisfied needs, filled with the boredom of coercive inaction, it is a time of devaluation of life, of compulsory waste, but nevertheless functional for the institution.

Dissociable from the perspective of institutional initiation, these types of time overlap and are sometimes mistaken for one another. Yet functional time is not invested time, but lost time, as it causes misbehavior. The investor is not the prisoner, nor the surveillance staff, but society, as it is a time of safety, of isolation from the abnormal. For

[36] Joffre Dumazedier – Loisir et culture, Le Seuil, Paris, 1966, p. 16

the prisoners, this time represents the price they pay for having been thoughtless, or careless. Regardless, it is a time removed from normalcy. The essence of jail consists in temporarily managing that which is a legally sanctioned abnormality. This time is used officially, declaratively, in order to bring the condemned deviants back to normal, and for this reason it maybe be labeled "functional."

One of the most significant elements of time spent in prison is that it is at the same time a carrier and destroyer of values. This temporal ambiguity reflects the ambiguity of an institution which deteriorates normalcy, at the same time instituting another social order, which closes the door to one world and simultaneously opens another.

As a value, time is a currency. The price of service is measured in duration: four hours on orderly duty, ten hours of washing duty, five minutes of singing "cock-a-doodle-doo" and standing on one leg, two days of washing the toilets, etc. There is no room for a change of time, since lost time does not go over to a winner, and the latter does not use it more profitably, but simply transforms it from waiting time into dynamic time. The real exchange value of time does not have anything to do with its duration, but its efficiency, as a means of evasion, of resistance to institutional pressure. It does not create values. Time as a currency actually stands for the symbolic form of wasting it, the strategies to make it pass more quickly. Even for the supervisor, time does not have an exchange value at all similar to money.

Time spent in jail does not serve as a manifestation of any useful activity, which is why it is a time of forced inaction. Inaction is exhausting and, above all, boring. This feeling of dislike or boredom is the obvious expression of collective anxiety. Both the staff and the prisoners measure it and wait for it to pass. DL ("days left") is the form of measurement. Hence, we may hear conversations between prisoners such as:

"What's your DL?"

"2,545 days. How about yours?

"3,210 days. You're luckier than me."

For the prisoners, the DL is written on the cell walls or in various public places, as a sign of their passing through the institution. For the staff, it is measured in the hours and minutes left until the end of their shift. Each of them comes up with strategies to transform time, since, for them, it does not have a consistent flow, nor turns into functional time at the individual level. Some prisoners learn foreign languages to be able to leave the country once they are released, while the guards do the same

in the event of finding a better job. Most of them fill their time with various discussions, future dreams, gambling or simply sleeping.

The form of wasting time is the symbolic expression of totalitarian and un-Christian socialist thinking. As we know from Max Weber, wasting time is the first and deadliest of all sins for Protestants. Wasting time with parties, small talk, luxury and even more sleep than necessary to maintain one's health, i.e. six to eight hours at the most, is absolutely condemnable from a moral point of view.[37] In prison, Benjamin Franklin's axiom, "time is money," loses its validity, or even his extension, "always treasure your time, and with each day be ever more careful not to lose any of your time." [38]

I will dedicate another chapter to the analysis of the prisoners' work, an activity which is denied to most of them (especially in Rahova and Jilava, where prisoners spend twenty-three and a half hours a day in their cells, and only half an hour out walking in a small yard). Yet it is important to mention in this chapter that time does not flow economically, or profitably. Romanian jails are not only unprofitable, but they are not even capable of sustaining themselves, being, in fact, significant money-wasters. The cost of keeping a prisoner in jail is twice the amount of the average salary and at least 25 times bigger than his surveillance in the community. Therefore, time is managed such that society's resources are abundantly consumed, without any recompense. The spirit of capitalism, expressed in the idea that the value of time is given by the value of productive and useful work, was replaced historically by the spirit of communism, still dominant in the Romanian penitentiary system, in which temporal devaluation is accompanied by an economic devaluation of society.

Just as time is managed in a *non-capitalist* way in penitentiaries, at the same time it is also *non-Christian*. As Max Weber notes: "Time is infinitely precious, since each wasted hour diminishes the work in the service of God." In an institution whose fundamental role was that of penitence—hence the name penitentiary—therefore of repenting for one's sins, God has been entirely excluded for decades.

The time allotted to religion is very short or excluded entirely from the daily schedule. Serving time by faith is not a serious solution for officials. They therefore prefer to hire re-education staff from secular

[37] Max Weber – Etica protestantă şi spiritul capitalismului (Protestant Ethics and the Spirit of Capitalism, Humanitas, Bucharest, 1993, p. 160-161

[38] Max Weber – op. cit. p. 37

domains, e.g.: pilots, musicians, chemists, lawyers and psychologists—but never priests or clergy. The latter are mocked by the authorities, derogatorily called "penal priests" (as if the others are not in fact "penal psychologists," "penal lawyers," etc). They are accepted into the institution especially for the goods they may bring in illegally (mainly alcohol and cigarettes) and rarely for their supposed fundamental role: that of servants of God. Their lack of value is also obvious in maintaining those elements grouped under the notion of an *unclean life* by the Anglo-Saxons: homosexual relationships, mutilations, suicide attempts, inappropriate food, etc.

If time is neither capitalist nor Christian, we may think we are dealing with a *time of re-education*, of re-socialization. John Howard, in his report on the state of prisons, dating back almost two and a half centuries ago, noted that it was no use keeping an individual behind bars unless you educated and returned him to society as a better man. All countries supposedly embraced this vision of re-socialization. An analysis of the time allotted to education programs within the period of punishment shows that education is at best a dream; in fact these programs are very rare and applied to a limited number of prisoners. An evaluation of the quality of these programs reveals that most of them are shockingly childish and primitive. Bank managers, lawyers, company managers or union leaders arrested for different reasons are made to draw flowers and angels in a mockery of a prisoner's magazine, or like small children, are made to write calligraphically, compose patriotic love poems or maxims, to cut out pictures of wheat fields or birds and to glue them carefully on the pages of the "magazine." Their "teachers" then proceed to display them to visitors, with obvious professional pride, as evidence of their education program. Together with leaves, brightly painted acorns and pinecones and pebbles arranged in a basket, they are the pentitentiary's representative "art," and only educated and cooperative prisoners are allowed to partake. Most prisoners do not have the privilege of developing any artistic talent because materials are hard to come by and, as a result, distributed according to rigorous, unwritten criteria. Most often they are accepted only as favors that are difficult to obtain.

Clearly, the poor quality or general lack of education programs is a reflection of the administration's contempt for their social utility. Forced to allow time for re-education as a symbol of a formal adherence to modern values, they pervert and mock this time, as a sign that one must search for institutional values elsewhere. There is also a different and

occult socialization, aimed at completely separating the individuals from the outside world and making them adapt definitively to the penitentiary world. The results of this re-education process are obvious: half of the prisoners are recidivists, and the others can hardly readapt to the free society. On the other hand, the staff is unable to work efficiently in other institutions in case they are released from their jobs, transferred or fired. From this point of view, the time of re-education is also a time of failure.

Yet penitentiary time is a *time of security* and safety. The penitentiary administration is proud of Romania's low escape rate, in fact the lowest in the world. When people do permanently leave the penitentiary, it is usually employees who quit their jobs in order to take care of urgent business. Penitentiaries are the most secure, guarded places in the country. The abundance of resources used for security systems, the excess of troops sent out to look for escaped prisoners and the likelihood that prisoners will betray one another discourages any prisoner from revealing or planning any escape. According to Octav Bozînţan, the thought of escape is given up quickly. There is no place to go. The entire country is alerted, the prisoner lives in fear of being caught, shelters are scarce if nonexistent, the prisoner has no money, no clothes, and there are certainly no borders to cross.[39]

Since prisoners are locked up behind high walls, impossible to climb, guarded by armed officers, why do they also spend time on ensuring the internal security of prisoners? The authorities often claim that the individuals they guard come from violent environments, and that they cannot live in natural harmony, which is why they need to increase security measures to prevent not only escapes but violent outbursts. The prisoners' general opinion is that guards "are bigger jackals than we are. If they hadn't hurried to become blue, they would have been here instead of us. Scum. Nobody needs them outside. They have no God. They hide in these holes because they are afraid. Most of them only feel safe while doing their job, when the walls keeping us here protect them from the eyes and mouth of the people outside."[40]

The time devoted to safety in fact isolates the prison even more from the free world, making it hard and often impossible for representatives of the civil society, families and friends to enter the

[39] Octav Bozînţan – Hanul păcătoşilor (Sinners' Inn), Muzeul Literaturii Române, Bucharest, 2001

[40] Octav Bozînţan – op. cit. p. 35

institution. Not only the prisoners, but also the staff members have limited contact with people from the outside; the staff are not allowed to leave the prison before the end of their schedule and they cannot cooperate with colleagues from other organizations, or allow them to have access to their workplace. Under the sanction of professional confidentiality, they cannot even give declarations to the press or to specialists regarding any aspects of their work, not even details about daily rations.

Most of the penitentiary employee's workday is dedicated to locking and unlocking cells, and accompanying and guarding prisoners throughout the medical offices, the courtyard, clubs, etc. Afterwards, he has to write reports on these activities.

On the other hand, a normal day for the prisoner is wasted with various security rituals: getting ready for internal shifts, rigorous searches, waiting in line and receiving punishment for breeching any one of a number of security measures. When they are taken out of their cells, prisoners have to run slowly, hands behind their back and heads down. If the assigned guard thinks the prisoner isn't moving fast enough, he hits him with a rubber bat. During the day, there is a continuous succession of steps in the halls and screams are heard whenever rubber strikes flesh[41].

Security time is therefore a *time of punishment*. The entrapment of rules, often unwritten, contradictory or confusing, makes stress the dominant feature among the staff world. The fear of punishment, loss of rank, salary or even penal sanctions makes the employees enforce further punishment to those who make their job more difficult. In this way, prisoners end up being subjected not only to the deprivation of freedom, but also to several other sanctions which they "pass down" to other prisoners, in a succession of violence and abuse, a well-established hierarchy of power and status.

The abnormal development of force and power relations inside the prison was scientifically proven by Phillip Zimbardo in the previously mentioned experiment. Famous writers, such as Miguel de Cervantes, Victor Hugo, Alexandre Dumas, Fyodor Dostoyevsky, Oscar Wilde, Romanian poet Tudor Arghezi, as well as an entire series of former political detainees defined prison as a temporary embodiment of hell's eternal punishment on earth. Even if the detention conditions varied from one period to another, the significant amount of time dedicated to

[41] Octav Bozînţan – op. cit. p. 44

institutional safety and supplementary punishments remained constant. And this cancels or drastically diminishes the efforts of social re-insertion, re-education or human development.

Language

As products of human activity, symbolic universes change depending on the individuals' actions. If the ways of managing space and the time of punishment contribute to the creation of penitentiary culture, language has the role of making it more intelligible and of consolidating it, as a means of communication. As a group of complex signs, and articulations with various meanings attached, language is meant to transmit the sensory, emotional and volitional experiences of an individual. Language conditions the way in which people see, conceive and interpret the world around them, confining thought into frames corresponding to how reality has been classified.

If language conditions the way in which people perceive the world, we may say that there are as many visions of the world as there are languages to express them. Therefore, perspectives on the penitentiary environment differ depending on the language of each individual (English, French, Romanian, etc.), but especially on the cultural knowledge expressed by each language.

To Talcott Parsons and Edward Shils, language is the fundamental element of culture, as it represents the most general and elementary mechanism of communication and, thus, of social integration. Language should have a structure directly comparable to the structure of other similar mechanisms, such as currency, because language has social functions similar to those of money: a symbolic means of exchange between different social groups and among individuals and a high measure of value.[42]

Emile Durkheim feels that language, and, consequently, the system of concepts it translates, is the product of collective elaboration. What it expresses is the manner in which society, as a whole, represents experience. The notions that correspond to the different elements of language are therefore collective representations[43]. As a result, institutional languages may appear, corresponding to the ways in which organizations think, live and express their experiences. Defined as a

[42] Talcott Parsons and Edward Shils – "Sisteme şi valori sociale" ("Social Systems and Values"), in Cultură şi societate (Culture and society), p. 40-41

[43] Emile Durkheim – Forme elementare de viaţă religioasă (Basic Forms of Religious Life), Polirom, Iaşi, 1995, p. 82

"group of signs, social conventions adopted by the social body to facilitate communication between the individuals"[44], language may vary, just as the institutional symbols vary. There is a visual language, an olfactory one, a tactile language, a language of gestures, as well as an articulate, spoken language. For the sake of simplification, I shall group the first five types of language into the category of non-verbal communication, as means of symbolic representations, distinct from conversation—which is the most important form of penitentiary symbolism.

[44] Ferdinand de Saussure – "Semne şi limbaj" ("Signs and Language"), in Jeffrey C. Alexander, Steven Seidman (eds.) – Cultură şi societate (Culture and Society), Institutul European, Iaşi, 2001, p. 54

Non-verbal communication

Any individual coming to a prison for the first time—as a visitor, prisoner or employee—notices that there is a very developed, efficient system of mutual communication based on gestures: meaningful looks, raised eyebrows, twitches of the nose, brief frowns, obscene gestures with the fingers or other parts of the body, stomping, prolonged sighs, etc. People send signals so that others understand how they want to be perceived, or to show what happens to them or the others. For those that are already initiated, these signals are interpreted with amazing precision. They are even more often used in relationship to the newcomers, as a form of authority or protection. In the analysis of penitentiary symbols, these "trifles" have a special significance, as they say much about the institution. Since they are not always done with full awareness, individuals cannot suppress, nor hide them, even if they often want to, because suppression generates emotions which would reveal this action. Therefore, non-verbal language is considered more sincere than words.

Each individual permanently sends out messages with his body. Researcher Albert Mehrabain concluded that people transmit more than 90% of information in non-verbal forms, whereas verbal communication accounts for only 8% of the entire range of communication. We have even developed a science to understand them: kinesics—the science of human gestures. Gestures are defined as expressive movements of the body intended to communicate or to accompany reflections, individual states and experiences, respectively. The individual uses these movements of the body, especially those of the face and arms, to liven up his words, to highlight, weaken, strengthen, replace or even contradict his words[45]. Ever since ancient times, philosophers have shown us how we can use gestures to persuade. Aristotle even wrote a book, *Rhetoric*, in which he proved that non-verbal language is at least as efficient as verbal communication, since it addresses a very low level of consciousness, thus making the gestures hardly noticeable, even when carefully analyzed and examined.

[45] Horst Ruckle – Limbajul corpului pentru manageri (Body Language for Managers), Tehnică, Bucureşti, 2001, p. 284

Researchers have identified several non-verbal forms: facial expressions, body movements, accent and tone of the voice, outer appearance (clothing and posture), touching, etc.

According to Dale G. Leathers, the face is the most important source of information, as facial expressions are numerous and generate an entirely different world of differences in the perception of meaning. In general, people tend to evaluate the personality of others depending on their face; for example, a person with a wide forehead is considered to be intelligent, one with thin lips, conscientious, one with eyes close together is thought to be less intelligent, etc. Cesare Lombroso developed a famous forensic theory claiming that one can recognize criminals according to their flagging ears, flat forehead, bottle nose, bulbous, narrow set eyes, etc.

Facial expressions transmit dozens of meanings of course: disgust, happiness, interest, sadness, confusion, disdain, amazement, fury, determination, fear, terror, hatred, arrogance, reflection, stupidity, amusement, etc.

Eyes play an important role in non-verbal communication, since about 80% of the sensory impressions of an individual are registered by the eyes. We may recognize immediately the messages they transmit, if the look in one's eyes is gentle, smooth, piercing, tough, empty, absent, glossy, weary, glaring, sparkly, friendly, shiny, elusive, loving, etc.

According to Octav Bozînţan, it is easy to recognize the newcomers, the eyes being the first clue. After a few months they lose their shine, becoming morose, and appear as if covered with a third lid, closed off from any thought or sensation from the outside. Cold and fierce, they appear almost reptilian, obeying only their own ancestral instincts—hunger, fear, hatred, hyper-aware. Visual habits that developed over the years are essentially cast aside, as the eyes function only as gateways for recording images. As Octav Bozînţan describes: The eyes sometimes regain their sparkle for just a moment, when a story is told—as everything is merely a story—about people left at home, lustful women, about houses and belongings gathered over a lifetime; the eyes become alive again, participating in the inner experiences of the listeners. Then, the story ends and the ephemeral diamond-like eyes turn opaque again, a void in a desert of unhappiness. No more than simple counting machines, these eyes are unfeeling, knowing exactly how many days, months and years are left to be endured. They close themselves to the outside world to leave room for dreaming. They mask the permanent

duality of the individual, and are both a weapon and a shield, custodians of free life, a filter and an obstacle in the face of a timeless world.[46]

Communication with those around us and our perceptions of them are considerably dependent upon the eyes. There are a wide range of looks, from straight staring to completely shut eyes, usually meant to inspire calm or screen the environmental stimuli. Or, eyes can be flooded with tears, often an expression of suffering and powerlessness.

Maybe the most frequently seen look in prison is the short look, fixing the individual and showing him the action he is supposed to execute. It corresponds to a state of concentration, to a strategy and a plan. Quickly "thrown," rigidly, it is the expression of authority. Psychologist Michael Argyle from the University of Exeter measured the duration of visual contacts between those in penitentiaries. The result showed that two people make eye contact between 30% and 60% of the time they spend together. If this interval goes beyond 60% it means there are strong feelings between the two, such as love or hatred. This frequency of eye contact is reduced to an average of 20% in the case of staff and prisoners, while the rest of the time is made up of a variety of glances.

The nose and mouth also transmit important non-verbal messages. A prisoner's nostrils flare each time a "called for" returns holding packages, revealing the precise value of the food he is carrying. A long, drawn face at the food-line indicates a lack of pleasure, indisposition, embarrassment, aversion, repulsion, disgust or repugnance. The mouth and the lips transmit sensations of disgust, appetite, protest, worry, sadness, etc. Of the eighteen types of smiles identified by Paul Ekman[47] we frequently see artificial smiles, bitter, tormented smiles, or grins which signal an attack, by revealing the teeth as weapons; also, silly and mischievous laughter, as a sign of slyness, meanness and mockery.

The head is bent down when dealing with any authority figure, as an expression of submission, lack of will, drive and hope. An authority figure might try to criticize a staff member or a prisoner, only to notice a head bent in resignation. This humility, accompanied by affirmative head-nodding, is replaced with a raised head as soon as the authority figure has disappeared from view; a sign of increased awareness of one's own value.

[46] Octav Bozînţan – op.cit. p. 65
[47] Horst Ruckle – op. cit. p. 150

Certainly, the head can express humility, and this is exaggerated with the compulsory haircut. Although officially individuals are free to wear their hair any way they wish, in fact all prisoners and staff wear their hair short, sometimes even shaved. However, during off-the-record conversations, many of them produced pictures demonstrating that they wore their hair long before they entered the institution. Indeed, the elimination of a previous personality is part of the submission process.

The shoulders also transmit some signals. Brought forward, they show introversion, resignation and weakness. Pointed upwards, they express threat, force and authority. Shrugging points to indifference and doubt.

The hands are the only part of the body that seems to escape the state of resignation and even seem lively from time to time. When suggesting a state of submission before authority figures, with the hands lined up next to the body or held behind the back, they begin to move furiously. The speed of these movements is often best observed in card games, when prestidigitation reveals a fifth ace, or when one manages to nab something from another prisoner's mail. The hands are the learning "tools" of a criminal career, with some real "tutoring" offered to the uninitiated ones, to teach them how to pickpocket or open any lock. They are also the ones that transmit rapid messages to authorities, when the latter resort to striking prisoners in the most painful of places. The fingers alone often express gestures, usually obscene. When a finger is brought against the palm, it indicates a fighting impulse, and the clutched fist is the expression of aggression and anger.

Inexpressive, uniform bodies go from one place to another inside the penitentiary, as if following a rhythm imposed from the outside, by a will independent of the people inside the walls. The march has lost some of its value over the years, and demilitarization has made it somewhat obsolete, although still the rattle of feet on pavement can be heard to the command of a drill sergeant: "in step, march!." The remains of this militarism can be seen in the tense, upright walk and shuffling feet. An inadequacy of posture still draws attention with a false preoccupation with superficial discipline, also denoting a hidden desire to impose.

In an environment where an apathetic posture—whether it be lingering in bed or on a chair—is considered by some to be disrespectful, we often see prisoners or staff standing all day long, in an exhausting position, balancing on one foot then the other, leaning against walls or tables. "I had started to get the knack of never-ending walks. At the zoo I saw the lion measuring the distance between grates, hundreds of times.

From the window to the door, from the door to the window, this was the only thing to do between the beds. The succession of steps was rhythmic; I kept my hands behind my back and tried not to think about anything. If I thought about the punishment, I'd go crazy... In time you start saving your energy and words, the conservation instinct instills the desire to hibernate. You want to go to bed and sleep, sleep until you forget about everything and you wake up the day of your release as if it had all been a bad dream"[48].

The bodies assume the roles imposed by the institution; an individual's behavior must reflect their position. Sometimes the bodies are not in accordance with the imposed roles, and "stepping outside your role" triggers sanctions. When an individual takes on an imposed role, it is not a positive transformation. "If only you saw me in my private life...," "I'm a totally different person outside...," "I never would have imagined myself ending up like this..." are some of the statements made by both staff and prisoners.

But who exactly decides what is and is not proper institutional behavior? Sociologists claim that only a small part is in fact agreed upon, and that most behaviors are culturally imposed. Some types of behavior are imposed due to the strong will of certain individuals who become leaders rather quickly and impose certain specific attitudes. Most people, though, submit to the culturally-imposed and sometimes normative prescriptions, adapting their gestures, posture, attitude to the roles assigned to them independently. The fear of ridicule, of sanctions and the fear of the unknown contribute to the adaptation of required behavior, which sometimes even generates some degree of inner contentment. We therefore reach the "penitentiarization of behavior," leading to the emergence of "homo carceralus," a particular personality that is identified wholly with the institution. This personality is found in the staff who can no longer leave to find another job, despite having greater prospects, as well as in prisoners who become completely unable to readapt to free society. Often, they will do anything to return to prison.

Body language can also be interpreted through one's outfit. "The clothing cover" is meant to emphasis the role and not "the contents." The saying, "the clothes make the man" suggests that the outfit defines a person's personality. In an environment where originality is forbidden and incurs severe punishments, the official penitentiary outfits have the

[48] Octav Bozînţan – op. cit. p. 86, 66

affect of depersonalization and homogenization. The obligatory outfit becomes coarse, ill-fitting (especially for the prisoners), often old and always uniformly in the drab, degrading colors of gray and brown; I shall deal with the ugly aesthetics of clothing in another chapter. It is important to highlight here that this required behavior, and therefore penitentiary culture, is facilitated by these compulsory uniforms; the uniforms themselves stand for a totalitarian philosophy of punishment.

Official language

Conversation is the most important means of preserving the symbolic universe. Defined as a form of talking amongst people, conversation has the role of explaining phenomena, things and processes from the environment and, at the same time, alter them permanently. Conversation eliminates certain segments of reality and strengthens others, functioning as "explanations in words," discussing various attributes of the world. This explanation is orderly, structured and generates hierarchies. In this way, language acquires a feature of objectification.

Words not only designate things, they become things themselves. Labeled as "parasites," "scum," "lice," "sloths," "dregs," prisoners thus become lice and scum in the eyes of others and are treated consequently. Language disguises, mystifies or changes reality depending on the interest of the users and their social status. When people are objectified, they then act out of a desire to deal with things, not persons. By using adjectives, they confer to certain people an inferior or superior rank. The symbolism of words has a powerful affect on people, both mentally and physically. Words can destroy, but also create connections between individuals. Solidarity between prisoners quickly appears around words such as "release," "decree" or "pardon," just like the staff members are all moved by words such as "bonus," "reduced shift," or "delegation."

Conversation removes certain sequences from reality and rebuilds it according to another set of laws. This happens because each individual has certain mental or linguistic "maps"[49], inner perceptions or conceptions of certain things and phenomena. For a conversation to develop correctly, the maps of the participants have to coincide, to have a common point of reference. The more time people spend together, the more likely it is for these maps to in fact coincide. According to George Steiner, we communicate self-motivated images, personalized frames of feeling; descriptions are not impartial. We do not utter the truth; we fragment it to rebuild desired alternatives, we are selective and evade the undesirable. We do not state what is, but what might be, and what

[49] Term used by Alfred Korzybski in "Science and Sanity" and taken over by U. Larson – Persuasiunea. Receptare şi responsabilitate (Persuasion. Receptivity and Responsibility) , Polirom, Iaşi, 2004, p. 122-123

we could do. Intentionality works its way in and structures human expression, breaking the order of language; language is the primary example and tool of man's refusal of the world as it is[50].

The common perception of reality creates a common language, constituted not only by continuity and coherence, but also by verisimilitude, or the very likelihood of truth, which is necessary to remove doubt. In many institutions, dialogues between members seem unintelligible to the outside person, because they refer to situations familiar only to them and defined in a particular way. The common language makes people look at reality from certain points of view and assign various significations. As Wittgenstein said, "The limits of my words mark the limits of my world." The more an institution is closed to the outside world, the more its official discourse is also different. A limited contact with the outside world creates in fact two languages: an official one and an unofficial one.

What characterizes the official language of the penitentiary institution is the strategic use of ambiguity. Vague, general or unclear expressions are used so that there is a greater possibility that a common experience will allow for understanding, or identification. By leveling all possible situations and bringing them to a place of commonality, the official language wipes out the specific cases which may question institutional order. Ambiguity is created by an extraordinary juxtaposition or combination of words and phrases or presenting problems form a new perspective. For instance, the prison phrase "*responsibility toward society*" makes all the abuse that has taken place inside the institution inconsequential, because of this larger, more important goal. In this way, the complex penitentiary system is reduced to the fundamental, basic; simple verbal clichés that are easy to remember.

To consider this official language independent would be an exaggeration. After all, similar elements can be found in military, administrative or political language, as well as the aforementioned tendency for rigidity and the use of predictable euphemisms. Actually, this type of official language, characterized by rigidity and conservativeness, may be analyzed as a (primitive) form of police

[50] George Steiner – După Babel. Aspecte ale limbii şi traducerii (After Babel. Aspects of Language and Translation), Ed. Univers, Bucharest, 1983, p. 269

language, closely related to what is known as "standard language"[51]. Almost entirely immune to political change and the influence of other linguistic models, penitentiary discourse within the administration offers a paradigm of the official and authoritative position. It can be characterized by the awkwardness, ambiguity, and unintended redundancies. This is not akin to the sort of rigidity found in any technical, specialized language, but that imposed especially by clichés borrowed from other domains and used not to name specific objects, actions and relations, but often to express general relationships. The majority of words and phrases in this category accounts for the "elevated register" of official reports and interviews.

The most striking cases of stylistic incompatibility, of semantic incongruity or defective syntactic construction appear against the background formed by the numerous clichés of official and abstract "standard language": "*We, the General Department of Penitentiaries, along with its entire staff, consider ourselves honored to continue, with all human and material efforts, to unconditionally fulfill its assigned mission, in carrying out the process of reform.*"[52]. Some of these clichés have proven very resilient: what never drew attention prior to 1989 emerged afterwards, with the backdrop of an overall evolution of public language. More spontaneous, less constrained, less reflexive forms became more commonplace. For example, praise of state authorities evolved into something like: "*receiving the outstandingly specialized guidance of the Ministry of Justice*"[53]. The desire to show their efficiency and modernity became a point of emphasis: "*Due to the direct help of the Department for European and Euro-Atlantic Integration from the Ministry of Justice, we garnered increased cooperation with members of the European Union,*

[51] The term made Françoise Thom famous with the book Limba de lemn (Set Language), Ed. Humanitas, Bucuresti, 1993, from which I have extracted some features suitable for penitentiary institutions.

[52] The quote closes the Raportul privind activitatea desfăşurată de Direcţia Generală a Penitenciarelor şi unităţile subordonate, în anul 2003 (Activity Report of the General Department for Penitentiaries and Subordinate Units for the year 2003), signed by the general manager Emilian Stănişor, a report available on the GDP website, www.anp.ro. Unless otherwise mentioned, the following quotes come from official reports, either published online or in the pages of Revista Administraţiei Penitenciare (The Journal of Penitential Administration).

[53] The largest amount of homage noticed is to be found in Delincvenţa juvenilă (Juvenile Delinquency) written by Emilian Stănişor, the general manager of Penitentiaries in 2003, Ed. Oscar Print, Bucharest, in which the Minister of Justice, Rodica Stănoiu, as coordinator of the former's PhD thesis, is quoted more than 100 times in less than 50 pages.

which is essential for achieving the objectives assumed by the Romanian National Program for Accession / National Program for the Adoption of the Acquis." All official reports abound with phrases such as "*bring one's contribution* ," "*within / as part of* ," "*with new coordinates* ," "*the new organization formula* ," "*in view of supporting the activity* " etc. Abstract bureaucratic language full of clichés ("*we have and will always develop a wide range of education activities,"* "*transposed into real life*," "*the conjugated efforts of the respective factors*," "*rising to a superior level* ," "*the human factor*") coexist with strong indications of affection ("*we are deeply sorry to see that*," "*despite all efforts*").

Almost all informative notes, reports, files and extracts are striking in the sheer number of grammatical errors and platitudes. It is a paradox to see that an institution can control, on a rudimentary but radical level, the destinies of thousands of people each year, but does not have the means to control this process.

"It's both obvious and strange, at the same time, that these sort of texts are not fundamentally informative and objective, therefore they are not interested so much in relaying the truth, but from the very beginning are influenced by the impulse of propaganda, presenting information that has already been filtered. For example, the people who are the object of the research are called *elements* ("about 7,500 elements, some of them extremely virulent"), *dangerous elements, turbulence, he-individuals and she-individuals*....

Official language is made up of specific words such as: *shadowing* or *"shadower"* and especially the specialized meanings of some common words such as: *objective, informer, device, relation, source, apparatus, active, entourage, territory, to penetrate, to enlist, to recruit, to detain, to infiltrate, to detect.* There are also numerous specific expressions and phrases: *to put to work, to put in place, informative network, breaking-up the entourage,* etc....

The functions of the official language are all assimilated; phrases used to maintain contact or express affection are transcribed ("*he said that"*) uniformly. Every detail is potentially relevant and nothing is structured hierarchically or causally. In addition, there remains the obvious awkwardness of repetition and similarity of language. Descriptions are just as odd, due both to the specificity of terminology, and, as mentioned above, the coincidental juxtaposition of important features and details.

Of course, only someone who manages to remove themselves from the system in some way can see the absurdity of such texts, even as a crime against individual freedom.[54]

Official language is a language expressed within a very narrow scope. The words are not powerless however; most of them have a way of determining, as much as reflecting reality. According to Françoise Thom, there is an "axiological innate bias," a sui-generis pre-valuation, an insidious ideological magnetism which makes each word polarize predispositions and toss us from one understanding to another, with an excess of meanings. The words no longer serve as signifiers; they are just selection tools[55]. Official language denounces a prisoner's appearance of behavioral normality, taking away the masks that they wear, so that they might mislead the naïve inspectors who hear them complain. The inspectors then become participants in these exercises.

The official language lays a foundation on which a fiction is built; a fiction that is then filled with the remains of a forbidden reality. Any set language includes an open modality—the device language—and a concealed modality, which we may call pseudo-natural language.[56]

This language has the illusion of affectation ("*collective efforts to prevent any turbulence within this heterogeneous mass of prisoners, brought here as criminals*"), but in fact it mocks the labors of the spirit, it simulates the understanding process and creates the illusion of a difficult activity, carried out intelligently. In actuality, all these promises halt the thinking process; reason is turned around and around. Instead of widening the thought process, language becomes a means of diluting it.

As a substitute for common language, the official language becomes an instrument of indoctrination, a tool at the service of an institution that tries to confine the minds of those on the inside. Resorting to a set language is facilitated by the illusion of superiority of the penitentiary system. Its users are "the real managers of justice," and this superiority is unquestionable; questioning it is considered sacrilege. The failure of re-education is, in a way, due to "those members of the staff" who didn't rise to the level of the institution, maintaining a backwards mentality.

---

[54] Rodica Zafiu – Diversitate stilistica in Romania actuala (Stylistic Diversity in Contemporary Romania), Bucharest University Press, 2002, see also the online version available on http://www.unibuc.ro/eBooks/filologie/Zafiu/31.htm

[55] Françoise Thom – op. cit. p. 50

[56] Françoise Thom – op. cit. p. 91

For the psychoanalysts, the source of the set language is often found in childhood. Uncertainty, frustration, dominant tendencies, fear of chaos or obsessive orderliness—all of these are often found in the formative years, and usually imposed by over-authoritative parents. Beyond these psychoanalytical explanations, official set languages have been maintained after 1989 because Romanian penitentiaries were forced to accept an exaggerated militarism, despite the tendency to return to the civil community. Thousands of staff members from the secret service, army and police, who used to deal with propaganda or other dishonorable activities during Ceausescu's regime, were employed by the penitentiary system. They not only adapted easily to the already obsolete language of the administration, but they brought it to "a new level." Due to the dominant positions they held over the last 15 years, they also imposed the previously used propagandistic and ideological clichés on others. As a result, graduates of humanities (the newcomers), were forced to adapt their studies to a rudimentary but justified linguistic form. A set language was also developed in the fields of psychology and sociology. Studies dedicated to the penitentiary environment were often primitive, elementary, based on simplistic methodology and completed with texts copied from various authors with self-congratulatory and exaggerated conclusions.

Penitentiary slang

Broadly, slang may be defined as the language of marginal groups, or as a form of linguistic protest in the face of totalitarian authority. Penitentiary slang has to be analyzed in close connection with verbiage used on the outside. After all, penitentiary slang develops and draws its inspiration from free society.

Attitudes regarding slang vary. Some specialists praise how expressive, lively, colorful and original slang can be, while many others criticized its vulgarity, stylistic shortcomings, subversive oral character or even its Asian (especially gypsy) origins.

The first "jargon" glossary was put together in France in 1554, so that judges could understand what defendants were saying. After some time, the famous Vidoq—a thief hired by police—wrote a slang dictionary toward the end of Napoleon's reign, containing eight hundred entries, a dictionary still in use today. In Romania, official documentation of slang began rather late, in the middle of 19th century. In 1861, N. T. Orăşanu, in *Întemniţările mele politice (An Account of My Political Imprisonment),* offers a list of terms from the slang of common prisoners and that of "card players in coffee houses." G. Baronzi reproduced the complete list in 1872 in *Limba română şi tradiţiunile ei (The Romanian Language and Its Traditions)*, to illustrate the "language of carriers." Those terms seem obsolete nowadays: *lumânare (*candle*) gâscă* (goose), *cocoană (*lady*) găină* (hen), *barosan (*chief*) curcan* (turkey), *purcea (*sow*) ladă* (chest), *ochişori (*little eyes*)* or *ochi de vulpe (*foxy eyes*)* "*monede de aur*" (golden coins), *bidiviu (*stud*)* "*băiat, bărbat tânăr*" (dude, young man), *chezaş (*guarantee*) lacăt* (lock), *cânepă (*hemp*) păr* (hair), *zapciu (*petty officer*)* "*câine*" (dog) etc.

The few Romanian studies of slang ceased altogether once the communists came to power. According to Rodica Zafiu, slang was the object of permanent hostility within the linguistic policy of Romanian totalitarianism. The attitude is perfectly justifiable—given its subversive potential and its use by marginal groups—and surprising only when taken to extremes. Slang was therefore rejected because it was used by certain, equally dangerous groups, plebes (with a certain ethnicity implied) and by the elite; the utopian vision of the disappearance of

marginal groups placed slang in the category of bourgeois "leftovers," passed on only by the insufficiently idealized family frame.[57]

Even if we cannot deny the feature of secret, "technical" language (for example, to evade authorities, etc.) slang can also be purely expressive, used to individualize out of rebelliousness, amusement or manifestation of spiritual freedom, used especially by the young. From this perspective, slang contributes to the renewal of common language. Words such as *sucker* or *cool* have already entered the common language, although in the studies published in the '30s the two terms were included in special vocabularies, where they were also the object of etymological disputes. In penitentiaries, the two terms refer to distinct categories of prisoners.

Almost all discussions regarding penitentiary slang start with a few classic examples: *cool, nasty,* and *bloke.* Sometimes they are limited only to these, unless continuing on with a few other example: *marfă (cool)*, *naşpa (it sucks), meseriaş (slick), bengos (awesome), valabil (solid), vrăjeală (trick), trombonist (liar), băiat de băiat (cool guy), băiat de cartier (boy from the 'hood), trotilat (drunk), a se da rotund (to blow one's own horn), a zemui (to suspect), venit cu pluta (confused), fiul ploii (space cadet)e groasă (serious trouble), măcăne (to denounce),* etc.

Even today, officials continue to consider prisoner language to be artificial, forced, and colorful, like an infection in the body of the Romanian language. In fact, it represents a typical case of natural spontaneity. Since it's a language used by social outcasts, it also designates forbidden objects, things or situations. For instance, sexual terms—a taboo subject among the authorities—are widely used amongst prisoners. Terms revolving around sex and sex organs occupy a distinct place in penitentiary slang, due to their semantic multitude and expressiveness. For example, the woman's sex is referred to as a variety of animals, especially of the mollusk family etc. Maybe some of these terms have been more or less taken out of use, but they have certainly been replaced with new, even more expressive ones.

Slang also clearly defines the hierarchies between prisoners, since the official language considers them all equal and undifferentiated, or the communication and transport systems for forbidden objects (especially terms like *"caleaşcă"*–carrier-or *"tramvai"*-tram). These examples prove that slang is formed by the development of figurative

[57] Rodica Zafiu – Diversitate stilistică în România actuală (Stylistic Diversity in Contemporary Romania), the electronic version mentioned above.

meanings. Metaphorical and metonymical relations organize the semantic fields of slang, leaving room for a glimpse of the way in which the world is interpreted.

According to Rodica Zafiu, to notice, or to be on the lookout is translated as *a pune pleoapa [to put one's eyelid to work]* or *a da geană [to flap one's eyelash];* by metaphorical substitution, *a trage cu oblonul* [to pull the shades]; actions are described through the gestures that make them up, separating one part of the body from the rest: the individual *dă din buze [moves his lips]* (he's talking) *dă pe gură [gets it out through his mouth]* (he's saying*), bagă la burduf [stuffs himself]* (he eats a lot), *bagă la tărtăcuță [puts it in his head]* (he remembers), *bagă cornu-n pernă [sticks his horns into the pillow]* (he sleeps) etc. The formula that describes (personal, arbitrary) intention by body transposition – *așa vrea mușchii lui [that's his muscles' will]* – has already entered familiar language. When stealing, the hand may turn into an autonomous agent: metonymic transposition ironically operates a detachment from the reality of the act, as in the expression *a o scăpa la găleată* (to steal from a pocket). Theft, deceit, aggression are stylistically normalized by the use of generic professional terms – *a opera [to operate], a lucra [to work, to do a job], meserie [job], mecanic (de buzunare) [pocket mechanic]* – but also by using yet even more elegant euphemistic neologisms: *a anexa [to annex], a achiziționa [to purchase, to acquire], a anticări [to make antique], a completa [to complete]* (to steal); *a articula [to articulate], a demonta [to break down into parts]* (to beat); *album [album]* (criminal record), *universitate [university], academie [academy]* (prison) etc. There is even a traditional technical vocabulary, still quite obscure, which designates either specializations (*borfaș (thief), găinar (thief of chickens), caramangiu (pickpocket), șuț (thief, especially pickpocket), panacotist (pickpocket), bilaitor (thief dealing with treachery) , cocofic, pisicar, maimuțar (luggage thief), ploscar (purse thief), șmenar (black market dealer of foreign currency), șpringar (burglar)*), or targeted objects (*coajă, mușamat, mort, panacot* – all of them synonyms for "wallet"), their place *(la căldură, la prima, la primărie* – indicating the place of the pocket), the instruments of theft (*pontoarcă* – type of universal key attested by Orăşanu in 1860, still bearing the same name today).... Several slang terms refer to language: as a means of deceit *(a vrăji, a cobzi, a cobzări, a iordăni, a duce cu papagalul, a băga texte*), as a blamable act of denouncement (*a sifona, a prădui, a cânta, a*

sufla, a ciripi), as a practice of irony (*a face caterincă, a face caragață, a lua la mișto*...). [58]

Slang communication appears spontaneously, out of a need to defend oneself, to warn others, to create a diversion or simply to have fun. For George Astaloș, slang is the reflex of disobedience, an undisclosed act of rebellion. That's (also) why totalitarian powers strive to do away with this dangerous agent of disobedience[59]. Slang creates a feeling of familiarity and complicity, making up for the banality of official language by producing lexical surprises. Due to its great power to mock, especially mock authority, slang makes official language easier to bear for the target audience.

Slang is not the language of delinquents, as one criminal prosecutor characterized it (in an interview entitled „Să nu uităm că argoul este limbajul delincvenților!" ["Let's Not Forget that Slang is the Language of Delinquents!"], in *SLAST* no. 34, 1982, p. 4). It is the creation of groups considered dangerous by the state authorities over particular periods of time. The authorities arrested, persecuted, and marginalized these groups in an attempt to make them disappear. Intellectuals and city folk contributed to lexical slang especially after 1948. To uncover the secrets of parallel talk one must be well acquainted with life in the inner city, or port areas. Slang is neither the 'secret language of criminals', nor 'a particular phraseology', nor 'a social marker', as linguists used to think over the approximately 200 years of systematic research. It is simply a sort of poetic creation. When we understand its mechanism as substitution and when we learn to use it, slang appears as simple and elegant as the great theories of modern mathematics, reinvigorated cyclically, poetically; slang is a form of freedom apprenticeship.[60]

For many experts, most slang terms are of a gypsy origin, and this ethnic connotation is enough to justify the contemptuous and pejorative attitude toward those who use them. Although this is partly true—many terms have a gypsy origin—there are many sources of slang. As a dynamic and unofficial language, slang has borrowed many words and expressions from other languages or reintroduced some terms long forgotten. Turkish, for example, significantly contributed to the enrichment of slang vocabulary, and to that of Romanian: despite the

[58] Rodica Zafiu – op. cit. electronic version

[59] George Astaloș – Pe muche de șuriu. Cânturi de ocnă (On the Edge. Prison Songs), Tritonic, Bucharest, 2002, p. 257

[60] George Astaloș – op. cit. p. 285

attempt of some nationalistic philologists such as George Călinescu or George Pruteanu to diminish the Turkish influence, there are several thousands of Turkish words in the Romanian DEX alone. And terms such as *alişveriş, ciubuc, gagiu, cacialma, chiolhan, haleală, sarma, acadea,* etc. are not only specific to prisoners. German also contributed to Romanian slang, with words such as: *fraier, şpil, ţais, şmen.* In general, the first instances of foreign words and phrases (usually coming from neighboring peoples, and more recently from English and Italian) being used occurred orally, in familiar-slang language, and their intense circulation made Romanian assimilation possible (Other terms, although frequently used: *marfă de marfă, băiat de băiat, naşpa, bengos, enşpe, j`de mii*, etc. aren't linguistically recognized officially, as they are considered limited in meaning, with nuances marked only by intonation and context).

Using slang implies certain abilities which have to be learned, practiced with variations, word games, and ambiguity. There are competitions, "pranks," such that finding synonyms and double-entendres seems essential for belonging to the community of prisoners; in any case, it is a criterion to establish superiority among prisoners. (*„Mormânt. Mă ştiţi pe mine că umblu cu «jetul»? Eu n-am să vă «sifonez» niciodată, cu toate că m-am gândit că dacă «mă daţi în primire», s-ar fi putut să-mi «golesc guşa»"*).

To maintain its function as a secret language, slang permanently renews itself. When the term *crocodile* referring to mobile phone was discovered by officials, it was immediately replaced with *alligator.* This linguistic mobility has an unprecedented speed that can not be found in other environments. Due to the constant transferring of prisoners from one prison to another, the terms are spread nationwide, throughout the entire penitentiary system. For instance, *jet, to blabber,* or *sifon* are words that denote the gossip in any prison. And *caleaşca* is a means of communication and transmission of goods, referring in fact to a shopping bag from the major chain supermarkets, Billa or Metro, in which the *exhivele* (small notes) or cigarettes, coffee, bananas, deodorants, booze, clothes are placed, or anything else that can be transported by *tram* (the rope connecting two cells).

But there are also local particularities, terms which are only found in certain prisons. In the Timişoara penitentiary, for example, *"hydrant"* is the word used to designate a policeman or a discreet guard; *"bonbon"* means "key," *"otitis"* – mobile phone, and *"cell phone"* refers to a small room. *"Ariel"* is the prisoner who steals from his mates. *"Pupil"* translates

into cop, *"school,"* into prison or police precinct, depending on the case. The prisoner who is forced to do the laundry for another one is called *"albalux"* [named after of one of the first models of washing machines]. After being taken to his cell, any new prisoner is automatically asked *"how long is his bill?"* ,or in other words, "how long is he in for?" When prisoners hear the phrase *"red eyes,"* they know that the warden is about to pay a visit.

Almost all inferior employees (guards, "masked men," psychologists, officers) end up knowing this language and using it only when talking to the prisoners; they return to common language when they talk among themselves, and use the official language when interacting with representatives from other institutions.

Slang is certainly and foremost characterized by lexis, while syntactically it has the general features of predominantly oral languages: simple popular syntax, with discontinuities, ellipses and redundancies, lexical evasions, substitutive poetics and syntactic ingenuity. Without understanding the fact that swearing—and especially profane language—constitutes one of the defining elements of prisoner language, one will never be able to successfully reconstruct daily life in prisons. All those *"facu-ți"* and *"dregu-ți"* have their place, as normal and necessary for institutional communication, as well as threats, offenses, pejorative appellatives and others alike—which are completely justified and indispensable.[61]

Below is a mini-glossary of slang, made up mostly of words collected personally over the last fifteen years, but also completed with terms encountered in George Astaloș – *Pe muche de șuriu (On the Edge)*. Some of the terms are archaic or seldom used, and others are familiar due to their frequent use in daily conversation. However, these terms sometimes have other nuances inside penitentiaries. Even if this linguistic fresco seems to be a moving picture, it helps to (re)construct the symbolic universe of penitentiaries.

[61] More information on slang may be found in Mihai Avasilcăi – Fanfan, rechinul pușcăriilor (Fanfan, the Prison Shark), Boema, Iași, 1994; Traian Tandin – Limbajul infractorilor (The Language of Criminals), Paco, Bucharest, 1993; Nina Croitoru-Bobârniche – Dicționar de argou al limbii române (Romanian Dictionary of Slang), Arnina, Slobozia, 1996; Dan Dumitrescu – Dicționar de argou și termini colocviali ai limbii române (Romanian Dictionary of Slang and Colloquial Terms), Teora, Bucharest, 2000; George Astaloș – Utopii (Utopias), Vitruviu, Bucharest, 1997; Anca Volceanov – Dicționar de argou și expresii familiale ale limbii române (Romanian Dictionary of Slang and Familiar Language), Livpress, București, 1998

MINI-GLOSSARY OF SLANG

A băga tampon = to shove

A chema la interval = to put the smack down

A face piaţa = to clean house

A lua cu liru-liru = to soften someone up. Similar: *a lua la perie*

A se raşcheta = to break someone down

A şifona = to get off, as in push away

Academie = police record. Similar: *album, evanghelie, patalama, salbă, cearceaf*

Aliman = trouble. Similar: *angara, dandana, şucăr*

Alişveriş = to buy, to open the bag, to go to the market

Alviţă = winning. Similar*: pradă, ciubuc, pleaşcă, lapte, plin*

Amortizoare = breasts. Similar: *bidoane, echipament, înaintare, lacto-bar, bordaj, bubecşi, foale, ulcioare, balcoane*

Angrosist = experienced prisoner, familiar with crimes

Arzoi = gypsy. Similar: *balaoacheş, cioroiplan, abanos, barabuşter, cocalar, mirandolină, stăncuţă, caramea*

Babaroase = dice

Balconar = homosexual. Similar: *bulangiu, buzilău, creţar, curlangiu, domnişoară, fagurist, fetiţă, goazăr, capră, lache, fochist*

Balenă = secure paddy wagon, car used to transport prisoners

Băşicat = irritated, annoyed. Similar: *capsat, montat, opărit, şucărit, duhos*

Berilă = prisoner serving a long sentence. Similar: *călugăr, decan, putred, pârnăiaş*

Beton = denoting good quality. Similar: *brici, de comă, di grande, durere, giorno, marfă, zeiss*

Bibliotecă = a deck of cards. Similar: *terfeloage*

Bididiu = prisoner. Similar: *sezonist*, *urs* (analfabet), *breteluţă* (minor), *buticar, macarencar*

Biloi = brain. Similar: *bibilică, devlă, doxă, glagore, balcon, calculator, tărtăcuţă*

Bizon = individual. Similar: *gagiu, gaşper, gorobete*

Blat = hidden, discreet; of German origin, "das Blatt." Similar: *şest*

Borş = blood

Brăţări = handcuffs. Similar: *mănuşi, lanţuri*

Bulău = prison. Similar: *mititica, pârnaie, pripon, pension, ocnă, răcoare, zdup*

Bumbi = testicles. Similar: *boaşe, caise, bigi-bigi*, *bobine*, *alune*, *fudulii, ouă*

Cacialma = a way to bluff, to trick someone; or Turkish origin; specific to the game of poker. Similar: *ţeapă, tras în piept*

Caleaşcă = means of transporting goods and information from one cell to another or from one building to another within the prison. Similar: *tramvai*. In French: yoyo.

Cambuză (Lazarette) = storage room, pantry to hold the food for each cell

Canci = insignificant. Similar: *apă de ploaie, baligă, vax-albina*, *pipică, zgârci*

Candriu = crazy. Similar: *dilimache*, *sisi, sonel, băbălău, dulău, sandilău, ţaparliu, crizat*

Caraiman = pocket; or Russian origin "karman." Similar: *sarsana*, *pungă*

Carambol = fight, clash between prisoners

Carete = thief. Similar: *coţcar, şpringar, şuţ, teşcar, aspersor, cocor, julitor, pieţar, tiră, hubăr, mafler, hultan, alanjor, panacotist, angrosist*

Călcare = robbery. Similar: *cujbeală, cojeală, ciordeală*

Chelar = policeman, guard. Similar: *jitar, trocar, ţagher, acvilar, balaban, clocan, gardist, gealat, lingabăr, mamuc, organ, scatiu, şacal, şingală*

Chiolhan = party. Of Turkish origin. Similar: *halima, zaiafet*

Chitros = cheap, not spending a lot. Similar: *trăistar, cioran, avar, cârpănăs, scârţar*

Ciocârlan = naïve. Similar: *fazan, gâscă, guguf, ţugulan, balamut, împiedicat, ciuflex, leuştean, clift, plutaş, fiul ploii*

Cioran = prisoner who doesn't share his food with the others

Ciosvârtă = smug prisoner, but whom the others don't pay any attention to. Similar: *figurant*

Clenci = trouble. Similar: *belea, tărăşenie, îmbârligătură*

Coardă = prostitute. Similar: *fleoarţă, fufardea, acadea, amazoană, balerdă, chiftea, crăiţă, dalilă, ambiluşcă, jagardea, libelulă, matracucă, papiţă, taxatoare, teleleică, vrăbiuţă*

Cocoaşă = back, spine

Cofetărie = toilet, WC. Similar: *umblătoare, vecinul Costică, tron, zero-zero*

Colţan = warden. Similar: *cuc, daraban*

Conducte penale = macaroni. Similar: *misugei*

Coroi = fear. Similar: *morcovi*

Dinte = spite. Similar: *oftică, parapon, cui, boală, pizmă*

Drojdie de bere = sperm. Similar: *sămânţă, clei, zmac, măduvă, lapţi, clăbuci, spuză, lipici, peltea, mehlem, scrobeală, brânză, albuş, muci, zeamă, mujdei, frişcă, polen, lăptişor de matcă, rod, zaţ, lapte bătut*

Elefant = rich. Similar: *boier, bogasin, putred, cu osînză, gros la ceafă*

Exhiva = the note sent illicitly from one prisoner to another

Fitile = to tell lies. Similar: *cotite, strâmbe, şopârle, ştăngi, a săpa*

Gaibarac = foot. Similar: *copită, bulan, flapsuri, ţurloi, caros, grisine*

Gazon = hair. Similar: *mărar, lână, perie*

Gheară = shooting craps (dice game)

Ginit = seen, observed, noticed. Similar: *bobit, bunghit, gimbit, ochit, bagă geana, pleoapa*

Glajă = bottle of wine. Similar: *fiolă, capsulă, torpilă*

Glojd = food. Similar: *halealâ, potol*

Gogoşari = underwear. Similar: *inexprimabili*

Guşter = warden, policeman. Similar: *caraliu, priponar, gabor, sticlete, curcan, caraulă, urât*

Impresii, impresar = prisoner who is not afraid of the more dangerous ones

Jurubiţă = make fun of. Similar: *caterincă, hai, mişto*

Loazbă = slap. Similar: *lopată, carabă, macaoază, scaltoacă*

Mameluc = softie, silly. Similar: *molâu, baligă, mănăstire, muhaia, nătântoc, popleacă, pulifrici, zdreanţă*

Mansardă = mouth. Similar: *aftă, buşon, ciocomengă, fermoar, mijă, ocarină, zotcă, malaxor, muştiuc*

Marafeţi = money. Similar: *lovele, bişţari, mălai, pitaci, arginţi, boabe, mardei, ţechini, firfirici, copeici*

Marcă = the most fearful prisoner in the cell

Mascat = member of the security forces, usually hiding his face under a mask. Similar: *haidamac*

Miserupist = indifferent. Similar: *rece, fără greţuri*

Mustărie = dealing with forbidden objects. Similar: *manevră, mişculaţie, cioacă, fuşăraie, învârteală, şmen, a da drumul la tramvai*

Nasol = bad; word inspired by someone's nose deformation

Nasulie = to make a blunder. Similar: *a călca pe bec*

Oale şi ulcele = beaten senseless; Similar: *îndoit, potcovit, cardit, caftit, troznit, mierlit, făcut zdreanţă*

Os = the male sexual organ; penis. Similar: *ţeapă, făcăleţ, ştiulete, burghiu, râmă, pendulă, ţipar, şiştoi, carici, rangă, flaut, cosor, ciocan, zdrâng, nodurosu, bâzu, bâzdâc, daravelă, piron, guvid, coadă, sabie*

Pachetar = prisoner who receives visits and shares his food with the others. Similar: *donor*

Pastiloman = prisoner taking drugs

Pisică = mentally ill prisoner,

Pişpirică = insignificant prisoner

Pompier = celibate. Similar: *solo*

Prinţesa = woman prisoner convicted for the first time. Similar: *bijoc, aprod, lacrimă, mătreaţă*

Pulan = rubber bat used by wardens

Radio tam-tam = prisoner that informs authorities. Similar: *antenă, barabanc, castor, limbă, papagal, turnesol, ţânţar, privighetoare*

Răcan = young male prisoner convicted for the first time. Similar: *boboc, carantină*

Rechin = recidivist prisoner. Similar: *cobră, reptilă*

Scărmănat = sexual act. Similar: *amoc, tras, a-şi da în coapse, gagicăreală, tumbă, jbanţ, a se da huţa, nuntă, îmbucare, a bate untul, călare, a cânta la drâmbă, zbenguit, remaiat, descântec, răsturnat, a face plinul, a cădea la aşternut, la drum de seară, a lua-o, darac, frecuş*

Scoabă = knife, dagger. Similar: *şuriu*

Scoică = the female sex. Similar: *bijboc, ghioc, mingeac, tarabă, zgaibă, muscă, bubă, blană, fântână, jos, găoace, fofoloancă, locul sfânt, fagure, prapure, crin, omidă, târtiţă, piţipoancă, crăpătură, păsărică, mioriţa, lingurică, buză, strâmtoare, moluscă*

Sifon = denouncer. Similar: *ciripeală, cloncănit, păcură, smoală, trâmbiţă, a bate din buze, jet, a vărsat guşa, a măcănit, a vomita, caiafă, canar, ţamblagiu*

Smardoi = resilient prisoner who has an advantageous position in the prison

Specială = alcohol (forbidden in prison). Similar: *Adio Mamă, aghiazmă, abureală, glicerină, ulei, drojdie, sodă, pimos, basamac, genocid, matrafox, moacă, penală, perfuzie*

Strâmb = not true; false testimony

Şestache = to be on the look-out

Şlongher = handkerchief

Şmotru = irksome task, humiliating and hard work

Şoaptă = denounce; refers to blabbing to the authorities about an event that happened in the cell. Similar: *melodie* "the boy composes large scores = he denounces everuone"; *cântare; scuipat; vândut*

Şpil = trick, tip, arrangement. Of German origin "spiel=game." Similar: *clenci, tâlc*

Ştangă = gossip. Similar: *cotită, fitil, şperlă*

Şucăr = argument. Similar: *bal, câră, hâră, meci, zeamă lungă*

Şucăr = scandal, upsetting. Of Arabian origin "şucrî"

Şulfan = resilient. Similar: *cu carnea bălţată, ştampilat, pisică*

Şuţ = pickpocket. Sinonim: *manglitor, palmagiu, ciupitor, zulitor, pungaş*

Tovarăş = accomplice. Similar: *ambasador, deputat, fartiţier, mărginean, secretar, tabadură, tirangiu, emisar, şustangiu*

Tractoare = shoes. Similar: *şalupe, catalige, bărci*

Ţambal = bed

Ţuţ = excellent. Similar: *ţâţă de mâţă, brici, parfum*

Ţuţăr = prisoner doing services for others. Similar: *nepot*

Zăbală = to shut one's mouth; in horse racing: to bridle the horse; denotes the silence adopted in front of the inquirer. Similar: *mucles*

Folklore

Art is the highest and most elevated form of expression within the penitentiary symbolic universe, and prison folklore holds a central position. It provides another chance to understand the specificity of penitentiary life, since it is not restricted to a particular institution (Rahova, Jilava, etc.), but has a national character. Penitentiary folklore is spread across the entire Romanian punitive system because of the frequency of prisoner exchanges. It has also traversed borders and spread to prisons from neighboring countries as well. For example, the chorus: *"E greu, e greu, e foarte greu/ Aici unde sunt eu" ["It's hard, hard, really hard / Right here where I am"]* may also be heard in prisons from Moldova or Hungary. Transylvanian songs (*"Pleacă trenul de recruți/ Încărcat cu deținuți" ["The recruits train is leaving / And it's full of prisoners"]* or *"Pușcărie, pușcărie/ Urâtă mi-ai fost tu mie" ["Prison, prison, how I hate you"]*) are hummed in Hungarian detention centers as well.

This regional, East-European dissemination was facilitated by the symbolic character of penitentiary folklore. The lyrics briefly explain the destiny of a certain category of people. They provide an artistic description of the human condition confined behind walls, and manage to capture specific feelings and attitudes: injustice, hatred, revenge, suffering, despair, isolation, love, resignation, etc.

Penitentiary poetry has two dimensions: a spiritual one, referring to the personal and personalized relationship established between the prisoner and the divinity, and a profoundly human one—that of suffering long endured. In fact, these two dimensions stand for two complementary universes. The aesthetic dimension comes in collaterally. According to Ioana Cistelecan, the lyrics describe the space of confinement based on a few fundamental dimensions: hunger, fear, abuse, cold. Inside this space, the condemned constructs a compensatory universe: the divine, always present, generator of hope, witness of the

suffering, and the guard, with negative connotations, the source of all deprivation. The self is in the middle, suffering and abandoned.[62]

The reason for imprisonment and unfair punishment are among the more frequent themes: Pentr-un portofel furat/ şapte ani m-au condamnat/ şapte ani şi-o zi în plus/ să n-am dreptul la recurs (They gave me seven years/ For stealing a wallet / Seven years and an extra day/ So I can't have the right to appeal).[63] The feeling of innocence is associated with the image of a bird trapped in its cage or rusty chains, to suggest that the prisoner is ruthlessly stepped over: Şi-am căzut la puşcărie/ ca pasărea, mamă-n colivie/ şi-am căzut nevinovat, măi/ ca pasărea-s de supărat, măi/ lanţurile m-au ruginit/ şi tăticu, mamă, n-a venit... Şapte lanţuri şi-o cătuşă/ mă ţineau legat de-o uşă/ şi de uşă şi de pat/ c-aşa-am fost eu condamnat (They closed me up in jail / like a bird in a cage / and I was innocent / I'm so upset, just like a bird / my chains are rusty / and daddy did not come… I have seven chains and a handcuff / keeping me tied up to a door / tied to the door and the bed / because I was condemned).

The idea of arbitrary and ultimately unfair punishment engenders the feeling of victimhood, and therefore the idea of revenge that is closely connected. In penitentiary songs, the prisoner asks for help to punish the prosecutors: *Când vii, mamă, joi la mine/ adu un pistol cu tine/ un cuţit şi un pistol/ să-l omor pe procurer (Mom, when you come to see me on Thursday / bring a gun with you / a knife and a gun / to kill the district attorney).*

The thought of revenge also includes those who caused the prisoner to go to jail. The woman is the target of hatred, because she betrayed the man, left him or was indifferent: *Mă vându gagica mea/ dar-ar filoxera-n ea/ mama ei de pocnitoare/ vedea-o-aş cu burta mare (My girl told on me / damn her and may she get sick / that darn woman / hope to see her knocked up).* The revenge scenarios are justified by comparing the

[62] Ioana Cistelecan – Poezia carcerală (Penitentiary Poetry), Paralela 45, Piteşti, 2000, p. 4

[63] The lyrics are taken from Viorel Horea Ţânţaş – Tristă-i duminica zilelor mele. 100 de cântece de puşcărie din Gherla (The Sad Sunday of My Days. 100 Prison Songs from Gherla), Risoprint, Cluj Napoca, 2001 and the article with the same title and by the same author, published in Revista administraţiei penitenciare din România (The Romanian Penitentiary Administration Magazine), April 2002, p. 18-25. Another important book on penitentiary folklore is that of George Astaloş – Pe muche de şuriu. Cânturi de ocnă (On the Edge of a Knife. Prison Songs), Tritonic, Bucharest, 2002. I personally collected some of the lyrics in this chapter from the prisons in Găieşti, Gherla, Jilava, Rahova and Iaşi.

situations in which the two ex-lovers ended up: *Of, of, fato, m-ai trădat/ of, m-ai dus la furat/ of, of, târfo, te omor/ of, jur pe-al meu fecior/ tu stăteai vara la soare/ iar eu stam la închisoare/ tu schimbai localele/ eu schimbam plantoanele/ tu purtai geacă bufantă/ iar eu zeghea șifonată/ tu purtai blugii raiați/ iar eu pantaloni vărgați/ mâncai fripturi în oraș/ eu mâncam doar arpacaș/ tu ciocneai paharele/ pe mine bastoanele (Oh, girl you betrayed me / you made me steal / oh, you bitch, I'm going to kill you / I swear on my son's life / you were lying in the summer sun / and I was in jail / you went from bar to bar / and I stood watch in the hall / you were wearing fancy clothes / and I wore crumpled stripes / you wore fancy jeans / and I had striped pants / you ate steaks out on the town / and I ate boiled wheat / you clinked your glasses / and I got hit with the rubber stick).*

An older and more melodramatic variation is heard just as frequently: Tu comanzi sticle de bere/ eu cu lanțuri la picere/ tu comanzi sticle-nfundate/ eu sunt condamnat la moarte... Curvo, bei și chefuiești/ la mine nu te gândești/ și-am jurat pe fata mea/ că eu când m-oi libera/ să-mi moară familia/ viața ta eu ți-o voi lua (You sit there ordering beers / and I have chains around my feet / you order bottle after bottle / and I'm condemned to death… You bitch, sitting there and party / never thinking about me / and I swore on my daughter's life / when I break free from here / I swear on my family / I will kill you).

While the woman gallivants around, remarries or loves other men, the prisoner has to resort to masturbation: *Eu fac harta României/ pe cearceaful pușcăriei (I splash the map of Romania / on the prison sheets).*

Often, the prisoner can be seen talking to God and complaining about the destiny He has bestowed upon him: Nu știu Doamne ce-i cu mine/ ce caut la pușcărie/ cu ce Doamne Ți-am greșit/ tare rău m-ai pedepsit/ m-ai băgat la pușcărie/ viață grea mi-ai dat Tu mie/ Doamne, rău m-ai pedepsit/ că ziua mi s-a-mplinit/ s-a-mplinit la pușcărie/ să fiu singurel pe lume (I don't know what is wrong with me / why am I in jail, God / what did I do wrong / you punished me so bad / sent me to jail / to have a hard life / God, you punished me so bad / my day has come / and I'm in jail / all alone).

In other songs, the sad situation in jail is explained to God: Doamne, libertatea mea/ e la maior la curea/ mi-e dor tare de-un copan/ dar nu pot de Moș Prodan/ că e pe tură pândar/ și mă arde c-un bulan (God, my freedom / dangles by the warden's belt / I really miss eating some meat / but I can't pass Old man Prodan / he's on watch every night / and will hit me with the rubber stick). The Creator is sometimes invoked even to

help the prisoner think straight, as the imaginary attempt to escape is repressed by the harsh conditions: Coboară, Domane, privirea/ Şi observă Mănăstirea/ Sfântu Petru a creat/ Lazaret, Doamne, blindat/ Iar deasupra are plasă/ Nici gândul să nu iasă (God, just look down at us / and see the Monastery / Saint Peter created / fully protected / with a net on top / to stop from escaping even a thought).

The conditions in prison are explained to God in all seriousness, so as to turn his judgment from deed to punishment: Doamne, ce grea este viaţa/ Când te scoli de dimineaţa/ Cu sirena care sună/ Cu cătuşele la mână/ Doamne ce grea este viaţa/ Când pe ochi se pune ceaţa/ De la lacrimi care dor/ De la becul care-i chior... Doamne ce grea este viaţa/ Când îţi pierzi toată speranţa (God, life is so hard / getting up in the morning / with the siren going off / and handcuffed hands / God, life is so hard / when the eyes get misty / with tears that hurt / from the dim light… God, life is so hard / when you lose all hope). Many prison songs are addressed to the Divinity, and God is invoked in every stanza, as a form of moral support and to stress the feelings of loneliness, helplessness, sadness or revenge: Domane, numai eu mă zbat cu gândul...Doamne, sunt la puşcărie... Doamne, a secat sufletu-n mine... Doamne, mâncat sunt de lanţuri grele... Doamne, puşcăria m-a mâncat/ Doamne, mă mir, Doamne, cum am să scap (God, I'm fighting my thoughts alone / God, I'm in jail / God, my soul is drained / God, I'm overwhelmed by chains / God, the prison got me / I wonder, God, how will I ever get out).

Despair leading to suicide, as a form of escape and revenge for the hard life spent behind bars, is sung in one of the most frequent prison songs, dating back to 1948 and still being used in various forms today: *Dar-ar Dumnezeu să dea/ să ardă baraca mea/ să rămână numai parii/ să se-nţepe comisarii.... Să ardă şi coridorul/ pe unde venea maiorul (I pray to God / for my barrack to catch fire / and only the poles be left of it / for the wardens to be impaled … I pray the hallway will burn too / so the major will come no more).*

The persistence of some prison songs across decades proves that the roots of Romanian penitentiary culture run deep. Beyond the changes in the punitive system that have taken place over the past few years, the Romanian penitentiary space generates a folklore that bears a striking resemblance to that from Nazi and communist prisons. Both the prisoners and the staff who are familiar with penitentiaries from Western countries agree that institutional folklore has disappeared there; the prisoners sing whatever hit singles are fashionable in the free

world, and not their own songs. The Romanian prison conditions, based on deprivation, frequent humiliation and sharing of a confined living space, generate an obsolete cultural phenomenon, with reverberations in the culture of the free society. The "Manele" songs, which were until not so long ago sung only in prisons, have crossed over, and are now sung by many people who had nothing to do with prison, but who respond to lyrics such as: *Să moară duşmanii mei (Hope to see my enemies all dead).*

The enemy theme is present in prison songs, referring not only to the enemy outside, but especially to the one inside the punitive system: *Să mă ducă în subsoluri/ şi să-mi dea cu turnesoluri/ fantele de la anchete/ pus pe ochiuri şi omlete/ care mă umplu de borş/ ca maţu de caltaboş/ şi care mă lasă lat/ ca pe-o zdreanţă la uscat (Let them take me underground / and let the questioning begin / with the man beating me / leaving me down on the floor / like a rag hung out to dry).*

The beating received during investigations or while serving time is so frequently sung that the lyrics eventually outline a clear universe of violence. The beatings_administered by the rapid intervention squad (named "the masked ones," due to the ski masks they wear to protect their identities) or even by the guards or officers are suggestively put into lyrics: *Ba în şale ba-n cotoaie/ să mă rupă în bătaie/ nu tu masă, nu tu pat/ doar WC-uri de spălat... Te ia şi te pune-n rafturi/ ca să mi te ţină-n cafturi/ Şi-n şuturi cu şpiţu-n gură/ să-ţi dea borşu-n saramură/ să te rupi şi să te-ndoi/ de parc-ai dat patru-doi/ face-le-aş o poartă-n casă/ când or trage la mireasă (They hit me in the back and legs / beat me senseless / no food, no sleep / only toilets to clean … They take you and beat you / kick you and slap you / until you break into pieces / I hope to see them locked inside / when having their brides).*

Other lyrics, dealing with the same theme, detail the source of hatred toward the staff: luai-ar vântu în vâltoare/ ca pe foaia de ţigare/ face-le-aş rânza calup/ că m-au blătuit la zdup (I hope the wind carries them away / like a leaf in the fall / may they get sick in the heart / for making me go to prison for nothing). Or, in another, more colorful poem: Îndoi-le-ar marafetu/ şancăru şi sculamentu/ Seca-le-ar de zemuri coiu/ când le-o da în pârg vioiu/ Vedea-şi-ar nevestele/ călărind ferestrele/ Ca să-şi facă scoica plinu/ din muştiucu lui vecinu (May their dicks break into two / and have no juice left in their balls / may their wives go out the windows / to fill their cunts with the neighbor's juice).

The anonymous poet also curses the communist-totalitarian political system, which lets the guards have complete power over the

prisoners: *Ăştia cu partidul lor/ şi nu vreau s-apuc să mor/ înainte să-i văd laţi/ şi cu marafeţii luaţi (These guys from the party / I hope to live and see them dead / and robbed).*

Some songs describe resignation when faced with an implacable destiny: Că aşa ne fuse soarta/ care puse-ntre noi poarta/ cu lacăte şi zăvoare/ şi paznici cu trăgătoare/ ca să crapi de foc şi dor/ fără drept de vorbitor/ să te dea cu halimoase/ şi alte vorbe frumoase (We were meant to have this fate / putting the gate and locks between us / and guards with guns / to make you sick with longing / and no one coming to tell you a good word / and make you feel better). Sorrow is sung on Sundays, when the prisoner realizes that he had no visitors over the past week. Perched at the window or sitting in a corner of the cell, he sings of his unhappiness: Tristă-i duminica zilelor mele/ e tristă şi-i plină de patime grele/ Tristă-i duminica şi ziua-n care/ am fost condamnat şi băgat la răcoare (Sad is the Sunday of my days / sad and full of sorrow / Sad is the Sunday and the day when / I was brought to jail). These are probably the oldest lyrics known in Romanian penitentiary folklore, dating back at least one hundred and fifty years ago; they were mentioned in N.T.Orăşanu's notes from 1861, and in the "Cânturile de ocnă" ("Prison Songs") of George Astaloş in 1948, and also featured among the songs from Gherla, collected by Viorel Horea Ţânţaş in 1992.

Penitentiary folklore focuses on describing the detention environment in all its negative aspects: as a place of suffering (Puşcărie, puşcărie/ Urâtă mi-ai fost tu mie/ Pe-afar` dată cu var/ Înăuntru chin şi-amar. Aici e frig şi ger/ Milă de la cin` să cer?/ Nu există îndurare/ Nici surâs de fată mare [Prison, prison,/ How I hate you / the walls painted on the outside / and nothing but sorrow on the inside. Inside is cold and windy / where to beg for some pity? / there is no mercy / and no girl smiling.]), a center of despair (De la vorbitor mă-ntorc/ Disperat şi numai foc/ În cameră-ncep să plâng/ iar tovarăşii mă râd. Cât am stat la puşcărie/ Nimeni n-a venit la mine/ Nu voiau ca să mă vadă/ Ca pe-un câine de pe stradă/ Vizită am la o lună/ Nimeni la mine n-a fost/ Trăiesc singur făr` de rost [Just got back from the speaker / desperate and very upset / I start crying in my cell / and all my mates laugh at me. For while I was in jail / nobody came to see me / they all left me / like a dog in the street / I get one visit every month / nobody came to see me / my life alone is pointless]), a space of deprivation (fără apă şi săpun/ cum e dreptul la comun, or Că de-atâta stat la coadă/ am făcut clăbuci la noadă [there is no water or soap / when you share everything. We got sick and tired / from waiting in line]).

Food deprivation is explained in a straightforward manner, leaving no room for doubt regarding the detention diet: Ciorba zeamă este caldă/ doar insecte-n ea se scaldă/ varza-i de ultimul tip/ doar c-o mână de nisip... Iar e bine-n puşcărie/ pentru cel care nu ştie/ apă este câtă vreţi/ şi-n găleţi şi pe pereţi... Iar e bine-n puşcărie/ cum e mierla-n colivie/ pâinea de la ceai se-nmoaie/ şi spinarea de bătaie/ Iar e bine-n puşcărie/ în celulă-s fraţi o mie/ n-ai nevoie nici de bani/ timp de 20 de ani (the soup is warm / but only insects bathe in it / the cabbage can't be any worse / mixed with a handful of sand … Prison is good / for the one who doesn't know / there is plenty of water / both on the walls and in the buckets … Prison is good / like the cage is good for the bird / the bread gets soft when dipped into tea / and your back gets soft from beating / Prison is good / sharing the cell with a thousand brothers / you don't need any money / for twenty years).

The diet in some prisons is so harsh that it becomes the specific target of folklore: Fă Doamne drumul mai lung/ la Jilava să n-ajung/ că acolo e teroare/ ne dă frunze de mâncare... Brăila-i pârnaie grea/ mi-a distrus tinereţea/ şi nu pot scăpa de ea (God, make the road longer / don't let me get to Jilava / it's terrible there / they feed us leaves instead of food… Braila is a tough jail / it ruined my youth / and I can't get rid of it).

Cigarettes represent the primary currency in Romanian prisons, and can help soften a brutal system. Their importance is praised in a series of lyrics: *Vino mamă cu mâncare/ c-aici e teroare mare/ vino mamă cu ţigări/ ca să am de sărbători... Voi ce la lună zburaţi/ nu uitaţi că aveţi fraţi/ ce fumează doar Carpaţi/ doar Carpaţi din alea scurte/ găsite pe jos în curte... Spune, fă, iubirea mea / ţi-a rămas ceva cafea / ori ţigări, ori ciocolată / că mi-e dor de tine, fată... Aşa-i viaţa o ţigare/ ajungi la chiştoc şi moare/ trăi-o-aş să-i meargă buhu/ că-ntr-o zi o să-şi dea duhu (Mom, come and bring me food / things are terrible here / mom, come and bring me cigarettes / to have for the holidays… You guys, fleeing at the month's end / remember you have some brothers here / who only smoke Carpaţi / short cigarettes / picked up from the yard… Tell me, love, / do you have any coffee left / or some cigarettes, or chocolate / I really miss you girl… Life is a cigarette / you reach the butt and it dies / I'll make the best of it / 'cause one day will be the last of it).*

The prisoner's mother is a frequent protagonist of prison songs. She is the one who best understands the prisoner, who can forgive and redeem him. She is made into a divine object, a heroine facing down difficulties only to see and help her son: *Vine măicuţa plângând/ Doamne*

de trei zile și trei nopți/ întreba jandarmii toți/ măi maică, măi militare/ mamă, care-i drumul cu cărare/ Doamne, care duce la-nchisoare (Mom is coming, crying / she's been walking for three days and three nights / asking all the guards / for the path / that leads to prison). Just like in the famous ballad "Miorița," the mother is an old woman, full of sorrow and pain: *Într-o casă biată mamă/ stă retrasă lăcrimând/ șterge ochii cu-o năframă/ de durere suspinând/ să-l mai vadă pe băiat/ o scrisoare iarăși scoate/ recitind-o, plânge-ncet/ și vorbind cu voce joasă/ dragul mamei, dragul meu/ te aștept să vii acasă/ de-o vrea bunul Dumnezeu (Poor mom sits at home / crying in a corner /she wipes her eyes with a scarf / sobbing full of grief / wanting to see her boy once more / she takes out a letter / and reads it again / she cries and speaks in a low voice / my darling boy, my darling boy / I'm waiting for you to get home / God willing) .*

The image of the "poor mother" who uses her last bit of strength to free her son, asking for mercy and forgiveness from the warden and God also appears in another song: *Doamne, dar în poartă cine-mi sta?/ Măi nene, șade plângând mama mea/ Au trăiți Domnule comandant/ Măi nene, cel mai ca lumea băiat/ Nene, băiatu-i la izolare/ Mare luptă pe mâncare/ Maică, scoate-mi-l la vorbitor/ Doamne, că-s bătrână și-am să mor/ Doamne la poarta închisorilor/ fă Doamne fereastra ușă/ Doamne, lanțuri, praf, cenușă/ Dă la santinele să adoarmă/ Măi nene, să-mi iasă băiatul afară (God, who's standing at the gate? / My mom's standing there crying / Hello, Officer / He's the best boy of all / The boy is in solitary confinement / Great fight for food / Please, take him out to the speaker / I'm old and dying / I'll die by the prison gate / Lord, turn the window into a door / and the chains into dust and ashes / Make the guards fall asleep / and let my boy break free).*

The mother represents psychological support for most prisoners and they can only admit their mistakes when they think of her: Mă gândesc la mama mea/ să nu pățească ceva/ c-am mai fost la închisoare/ și pe mama rău o doare/ lasă mamă c-am să scap/ și nimic n-am să mai fac/ am s-ascult numai de tine/ totul o să fie bine/ Doamne, nu știu ce să fac/ de pușcărie să scap/ să merg lângă mama mea/ că-i bătrână, săraca (I'm thinking about my mom / hope she's alright / I've been to prison before / and she was really hurt / don't worry, mom, I'll get out / and stay away from all trouble / I'll listen to you / and everything will be alright / Lord, I don't know what to do / to get out of prison / and go to my mother / she's old, poor thing). She is called to see what has become of her child: Hai mamă la vorbitor/ vezi că-i un sergent major/ și când și-or deschide poarta/ o să vezi care mi-e soarta... Vinde mamă vaca Perla/

şi mă scoate de la Gherla/ vinde tată tot ce ai/ şi mă scoate din pârnai/ că m-am săturat de stat/ şi de-atâta aşteptat (Mom, come to the speaker / there's a sergeant there / and when they open the door / you'll see what has become of me … Mom, sell the cow named Perla / and get me out of Gherla / dad, sell everything you've got / and get me out of jail / I'm sick and tired of waiting).

The love for a woman is expressed in one of the most descriptive prison poems: Şi-am iubit o copiliţă/ din copilăria mea/ si-am iubit-o cum iubeşte/ marinarul barca sa// Şi am prins-o într-o seară/ cu un alt băiat din sat/ c-un cuţit ce-aveam la mine/ inima i-am despicat (I once loved a girl / I grew up with her / and I loved her / like the sailor loves his boat // And one night I caught her / with another boy from the village / and I cut her heart in two / with a knife I had on me). The longing for the woman he loves only makes the suffering and sadness worse for the prisoner: Iar când se lasă seara/ şi-mi vine dor de tine/ mă uit la poza ta/ lacrimă în ochi îmi vine/ pe fereastra închisorii/ eu stau seara şi privesc/ şi cu ochii plini de lacrimi/ tot la tine mă gândesc... Aseară m-am culcat/ pe tine te-am visat/ stăteai pe pieptul meu/ mă sărutai mereu (And when evening comes / and I miss you / I look at your picture / with tears in my eyes / I sit by the window / and watch at night / and keep thinking of you / with tears in my eyes… Last night I went to bed / and dreamt about you / you were lying on my chest / and kept kissing me).

The prisoner's thoughts also include the children left at home, to whom he sends his love: Şi puştiului te rog să-i zici/ că tata îl iubeşte/ şi că de când este aici/ la el se tot gândeşte (Please tell the kid / that daddy loves him / and has been thinking about him / ever since he got here). Other times, the prisoner sighs at the thought of what will happen to them: De fiul meu nu ştiu nimic/ o fi prin ţări străine/ o fi un om bogat/ sau un ocnaş ca mine?(I don't know anything of my son / did he go to another country / is he rich / or a prisoner like me?)

The suffering caused by the harsh working conditions from some prisons is artistically parodied, with a skillful use of homonyms: *Bună dimineaţa roabă/ eu sunt rob şi tu eşti roabă/ hai să ne-apucăm de treabă (Good morning, wheelbarrow / I'm a slave and you're a wheelbarrow / let's get to work then).*

The themes of early release and the pardon decree appear in several songs, sometimes obsessively: Hai decret, decret, decret/ tu nu ştii de când te-aştept... Stau cu ziarele pe piept/ şi aştept să dea decret/ şi tot aştept de un an/ să se schimbe Cod Penal/ să se pună în vigoare/ să mă

scap de închisoare (Oh, decree, decree, decree / So long I've been waiting for thee… Lying here with the newspapers on my chest / been waiting for a year / for the Penal Code to change / to come into force / and get me out of here). A long awaited amnesty brings doubt to the heart of the prisoner: Ascultați-mă pe mine/ că decretul nu mai vine (Listen to me / the decree is not coming).

Far from dying, prison folklore is alive and keeps getting richer. Old themes such as release (și-ntr-o bună zi pe seară/ tot o să mă dea afară/ cu hârtii de liberare/ cazier și baftă mare [one fine evening / they'll kick me out / with release papers / police record and a 'good luck']) or erotic dreams (c-așa-i visu de pripon/ nu dormi bine nici în somn/ că-mi aduce în celulă/ fâțe moarte după sulă/ cu țâțele jucăușe/ să le strâng printre cătușe/ și crăcane până-n gât/ ca să-mi țină de urât [such is the prisoner's dream / you never get much sleep / for they bring to my cell / bimbos longing for a dick / with playful tits / to hold through my handcuffs / and legs all the way to their necks / to keep me company]) meet up with newer ones, such as the disgust toward politicians (că politicul te freacă/ și îți lasă pompa seacă... c-așa-s ăștia, tu-le rasa/ dau tunuri de plânge masa... Și s-o prind pe Coana Dana [Năstase – n.n.] și să-i dau să-i umplu vana/ și să i-o dau îndesat/ că prea tare ne-a furat/ ea și cu al său bărbat/ cât au fost tartori în stat [politics will bust your balls / that's the way they are / they steal as much as they can / just let me get my hands on Mistress Dana / and have my way with her / she's been stealing too much from us / together with her man / while they were in charge of the state]) or the benefits of European integration (că noi când ne-om integra/ vom scăpa de carcera/ ce ne-a mâncat inima [when we finally integrate / we'll get rid of this jail / that ruined us]).

Despite more eccentric lyrics, slang poetry decodes a hazy symbolical universe. For those who know it well, it reveals several particular themes and frustrations. The "folk-cita" genre introduced to world literature by Garcia Lorca and to Romanian literature by Miron Radu Paraschivescu, finds fertile ground in prison, where it presents an artistic outlet, a way for some prisoners to respond to totalitarian authority. It is a literary-musical reply to a dogmatic program that disregards differences between people, eliminates sexuality, arbitrarily represses and forcefully maintains abnormality. Hence, penitentiary folklore deals with anarchy, rebelliousness, and cultivates the poetics of subversion. The reactions of authority vary from ignorance to contempt.

Seen as a form of "penitentiary sub-culture" (a term introduced by Gresham M. Sykes[64]), it is conceived as justifying the behavior of irrecoverable delinquents. Even if the poetic and musical bursts are more frequent in their case ("every gypsy is a musician"—according to the manager of a large penitentiary) than in the case of the staff ("professional rigor cannot be sung"), their culture relies on mistaken concepts regarding life and the world, since they turn stealing or, even worse, crime, into normality (*Să știi, fă, că te omor/ când te prind în dormitor [Listen, woman, I'm going to kill you / when I catch you in the bedroom])*.

Penitentiary folklore keeps the stories of adolescence alive; it cultivates the universe of childish reveries by valuing risk and disobedience, as well as the hope for a change of destiny following release. Compared to the folklore of the free world, it holds a role similar to that of jazz in relation to classical music: a form of expressing the spirituality of marginal groups, which value those things that are forbidden by the dominant groups in a society, in this case, after being sent to jail: freedom, love, welfare.

If we consider penitentiary folklore as a form of organizational folklore—as in the case of military folklore, for example—we could eliminate the pejorative explanations and help it find a prominent place within the conscience of the free world more readily. There are many similarities between penitentiary and military songs, both in regards to their content and themes (release, love, military life, abuse, etc.), but especially their evolution: from ignorance, to undermining, then to acceptance, when they are then spread across the free world to the point that they become a part of national festivals. From this point of view, prison songs, in comparison to military songs, are a few steps behind in their social evolution and their future is predictable: before they disappear, (which happens when the conditions that created them disappear), they will be officially recognized, glorified, recorded and played in ever larger communities, and they will be included in national folklore shows. The huge success of the "manele" songs seems to confirm this hypothesis.

[64] Gresham M. Sykes – The Society of Captives: A Study of a Maximum Security Institution, Princeton University Press, Princeton, 1958

Rituals

Penitentiary symbols are the first means to understand the world behind the walls, allowing us to translate the signs we see. Probably the most striking aspect of this symbolization process is its ability to function perfectly. People generally do not realize that they offer their own symbolic version of the world. Symbols facilitate knowledge and understanding of prisons in all their diversity, since people produce new symbols and transform the old ones. Symbolism enables us to realize who is strong and who is weak, and the use of symbols grant the weak with more authority in stating their ideas, making the authority of the powerful more bearable.

Symbols determine social actions and define the individual's feeling of identity. They facilitate the understanding of processes that take place in prisons, largely manifested by means of symbolic forms. Many of the most powerful symbols have palpable qualities, which makes it easier to treat them as objects. The walls can be touched, songs can be listened to, the clothes and haircut can be seen, food can be tasted, gestures may be noticed, and so on.

Symbols cannot be studied properly by quantitative methods, or by polls or psychological tests. They are unquantifiable and, consequently, often escape analysis. At the same time, no organization can exist without a group of symbolic representations, and any sociological analysis is poor without considering this element, as symbols give an objective feature to the relations between individuals and organizations.

If symbols are the first manifestation of institutional culture, then rituals are the second.

Anthropologists define rituals as a culturally repetitive, standardized activity, primordially symbolic and pertaining to the supernatural, carried out with the purpose of influencing human actions (or at least helping them understand their place in the world)[65]. According to Durkheim, rites are rules of conduct that teach the individual how to behave in the presence of sacred objects[66]. The

[65] Raymond Firth – Elements of Social Organization, Watts, London, 1951.

[66] Emile Durkheim – Formele elementare ale vieţii religioase (Elementary Forms of Religious Life), Polirom, Iaşi, 1995.

importance of rituals does not consist in creating a way to approach supernatural beings, but in creating ways to express social dependence.

The ritual may be defined as an instance of symbolic, repetitive and socially standardized behavior[67].

Rituals are an obvious component of penitentiary life. Both the authorities and the prisoners try to increase their prestige by resorting to rituals. They use rituals to promote their policies or interests within penitentiaries. By taking part in various rites, they identify more easily with a certain vision of the world and punishment, which may be perceived by symbolic representations. Rituals help us understand what happens in penitentiaries, as the world behind the walls needs to be simplified consistently in order for it to be understood.

The staff uses rituals to justify authority, and the prisoners sometimes reply with rites meant to undermine authority. Most people consider rituals as a sort of embellishment of the "real" activities taking place in penitentiaries.

According to David I. Kertzer[68], rituals are characterized by a series of important features:

Formalism is one of the first features of rituals. They respect standardized and highly refined sequences and they are performed in special places and on particularly meaningful and symbolic dates.

Historicity is another feature of rituals. They help us understand the world we live in by referring the present to the past and the past to the present. By imposing subtle but stable models, rituals connect the past, the present and the future, going beyond time and history[69].

Rituals have a *social matrix*. They are performed as a result of the social conditions that people experience.

Rituals aim at *emotions* and not reason. They affect our senses to provide us with a logical interpretation of reality.

Drama is another feature of rituals. Each individual becomes the protagonist of minor dramas that he invents. Rituals offer people the chance to take part in such dramas, and to analyze themselves while performing certain roles.

Symbolism constitutes the very essence of rituals.

---

[67] David I. Kertzer – Ritual, politică şi putere (Ritual, Politics and Power), Univers, Bucharest, 2002, p. 22

[68] David I. Kertzer – op.cit. p. 22-25

[69] Barbara Myerhoff – Secular Ritual, Van Gorcum, Assen, 1977.

Condensation refers to the quality of individual symbols to unify and bring together a diversity of connotations.

Multi-valence represents the variety of connotations attributed to each symbol. The same symbol may be understood differently by different people.

Ambiguity indicates that the symbol does not have an exclusive connotation.

The conservative feature demonstrates that ritual forms tend to change much slower than other cultural forms.

Although we are deeply connected to the material world, and influenced by physical forces, we perceive and assess them through a mechanism of symbols. We use symbols to communicate and rituals represent one of the means of symbolic communication. According to Antonio Gramsci, social rituals create a reality which, without them, would be meaningless. One may very well know something and only then discover the words to express it. But it is impossible to have social relations without symbolic events[70].

One of the most important aspects of penitentiary rituals is when newcomers become accustomed to the values and traditions that constitute penitentiary culture. Through rituals, as Durkheim said, people project the secular and socio-political order of their lives onto a cosmological background. Through these rituals, people also give a symbolic value to the system of "correct" social relations between individuals and groups. All over the world, people have the tendency to consider the social-political environment they live in as sacred and to reduce the role of arbitrariness in the management of organizations. No matter how cruel their fate, prisoners continue to obey, and to adapt to the traditional archetypes[71] of daily penitentiary life, firmly convinced that such archetypes are inevitable. Most of them accept penitentiary conventions because they constitute the only possible realities they know.

[70] Antonio Gramsci – „Texte filozofice alese" Ed. Politică, Bucureşti, 1979.

[71] For Carl Gustav Jung, the archetype is a fundamental and primordial figure of the imaginary, which the individual discovers during the awareness process regarding his place in the universe. It is an element within a structure of the collective subconscious, an ordered and ordering pattern deeply inscribed in the subconscious and equipped with a constitutive dynamism. The archetype is a trans-historical scheme that defies temporality, a form or matrix whose role is to enlighten a constellation of latent and dynamic significations that already exist in the social life. See C.G. Jung – În lumea arhetipurilor (The World of Archetypes), Jurnalul Literar, Bucharest, 1994

Every institution has its own mythology that explains its origins, gives it an identity, justifies its actions and expresses its superiority. Myths cause people to react in a positive way to the symbols used by their leaders. Myths promote the status quo in times of stability and map out the changes in times of unrest. When an individual's discourse is deprived of mythological language and leit-motifs, there is little left. In fact, rituals play an important role in the propagation of myths. The symbols that mark a ritual constitute the premises for understanding social life, and at the same time they determine the attitude of the public toward those that populate the public sphere.[72] As they are non-verbal, rituals have no antonyms and thus are able to harmonize desires without provoking recalcitrant reactions. Rituals have the role of integrating daily activities within a superior level related to the politics and values of the organization. One of the functions of rituals is to produce solidarity even in the absence of any common convictions.

Left at the mercy of their kin, prisoners feel the need to be comforted, and hope to find understanding and justice in prisons. In this respect, they take part in rituals of social communion, which express private tendencies of social solidarity. According to Durkheim, no society can exist unless it feels the need to affirm and re-affirm at regular intervals the collective feelings and ideas that make up its unity and personality. This moral reconstitution can only be achieved by means of reunions and meetings during which individuals state their common feelings, in total solidarity; the result consists of ceremonies similar, either in purpose or end, or in the choice of procedure, to the regular religious ones.[73]

Rituals don't reflect all the aspects of an institution, only those that are characteristic of all its members. As a simpler and more stereotyped symbol, the ritual does not reflect reality, but rather deforms and recreates it.

Penitentiary rules may be viewed as a totem, as they are turned into fetishes. Each individual clings to them because they represent an instrument that can alleviate anarchy within the institution and create order.

Ernst Cassirer said that the person who takes part in the ritual experiences an emotion, not a thought. While beliefs change, rituals are

[72] David I. Kertzer – op. cit, p. 26

[73] Emile Durkheim – Formele elementare ale vieţii religioase (Elementary Forms of Religious Life), Polirom, Iaşi, 1995

persistent. According to Durkheim, the ritual is a means to express our social dependence; what makes the ritual valuable are the not the explanations that we apply to them, but its emotional involvement and that it inspires common participation. This solidarity without consensus is a result of the ambiguity of the symbols used. Symbols constitute "the props" of the ritual; they cause common feelings of sympathy and identity. By props we mean those symbolic elements such as slogans, songs, words of encouragement, expressive gestures, uniforms, etc. These symbols have a sentimental signification that symbolizes common feelings toward the institution. The constant use of these symbols ensures a common re-enactment and affirmation of these mutual feelings.[74]

What is persuasive in the case of rituals is the way in which they discourage critical thinking. Whatever is expressed is true, because formalized language is the only possible alternative.

The manager of the penitentiary is undoubtedly the greatest actor of rituals and manipulator of symbols. Yet, because they have a range of connotations and an emotional history, he does not control them entirely; some connotations cannot be created by decree.

The information we receive from the environment is processed as a result of pre-existing information and abstract knowledge, known as stereotypes or schemes. They are the abstract symbolic systems that structure our knowledge of the social world. They direct our attention toward relevant information, guide our interpretation and evaluation, suggest inferences when the information is ambiguous or insufficient, and facilitate memory. When categorizing experience, we associate a definitive meaning to the events from the surrounding environment. Stereotypes are simplified schemes by which favorable or unfavorable features are assigned to all persons of objects from the environment. These schemes come together, aided by words that contain a specific semantic charge: the gypsy, the commander, the "masked men," the jet/blabber, the dungeon, etc. A powerful representation is focused on these people or objects, which immediately triggers certain attitudes or psychological dispositions. By means of stereotypes, the individual merges into *his* group and all the members of a community seem identical, undifferentiated from each other. We know we are dealing with a social stereotype when several members of a group emphasize the existing differences between the members of their group and those

[74] David I. Kertzer – op. cit, p. 29

of another.[75] In this respect, rituals have the role of quickly marking the difference between the two groups in penitentiaries: the staff and the prisoners. Stereotypes are therefore projective mechanisms, as they allow for individuals to express their unconscious tendencies.

Power relations are wrapped in a mystifying symbolic shroud, imposed by the existence of a hierarchy. The higher the degree of inequality in an institution that has egalitarian ideas, the more the mystification is disseminated. Mystification—the symbolic representation of political order in a different form than the real power relations within an organization—justifies inequality and encourages all sorts of representations of political order. Mystification is a result of a social structuring of reality. It allows for "the social deconstruction of reality" and "the social structuring of ignorance," supported by those in power in order to prevent people from realizing their dependent role, although to some extent, they they want to play the role.[76]

Those who obtain power institutionalize it, and thus make it less vulnerable to rival attacks; they deposit their power in "the ritual bank." This is achieved by the gradual transformation of the means of communication into rituals. The longer this process, the less communication appears as a creation then a repetition of roles distributed by the function that currently controls it. Thus, reality is turned upside down, and the creation of the power-holder seems to have created him.

One of the distinct features of rituals is their ability to harmonize contradictory symbols, while diminishing the perception of incongruity.

People create their image of the self by symbolic identification with the different groups to which they belong. Through the use of symbols, the individual is integrated in the group and treated as a privileged member. Hence, any acceptance within a group is done by means of an *initiation or recruiting ritual,* often called *baptism*. The major purpose of this ritual is to modify the identity of the individual from their previous identity, together with the attribution of other roles and loyalties. The bigger the transition, the more elaborate the rites[77]. The rituals of purification and pollution are complementary, forming a system of ritual taboos and practices that distinguish the members from the rest of the

[75] Willem Doise, Jean-Claude Deschamp, Gabriel Mugny – Psihologie socială experimentală (Experimental Social Psychology), Polirom, Iaşi, 1996, p. 26

[76] James D. Shaughnessy – The Roots of Ritual, Eredmans, Grand Rapids, Michigan, 1973, p. 47

[77] Arnold van Gennep – Riturile de trecere (Rites of Passage), Polirom, Iaşi, 2000.

world. During initiation rituals, the person is given a different name, and he also receives a new self through the ritual[78], usually the nickname. Rituals create social roles. They are also rituals of *un-investment*. During a ceremony, the individual is deprived of all symbols of authority he used to have.

Ties with the free world are permanently renewed by *the rituals of official visits*. The meticulous planning of these visits symbolizes the identification of the authorities with the ones in power. They show that penitentiaries are not entirely removed from society, but they are accounted for and that there is a structure of power that regulates their functioning. These rituals also have the role of impressing the visitors. At the same time, they express the continuity of authority, despite staff turnover.

Legitimacy rituals are accompanied by *obedience rituals*. *Rebellion rituals* also occur as a reply. They serve to increase the difference of power. Through this ritual, the individuals have a chance to release their resentment determined by the inferior place they have in society, and thus enable the system to carry on[79].

The protest marches constitute one of the most efficient means of proving solidarity. They not only strengthen communication with the authorities, but also re-affirm solidarity and increase opposition toward the staff. They are organized in symbolic places: in front of the administrative building, or outside the window of the manager's office. It is about a symbolic conquering of space. Successive sets of highly-meaningful symbols are used: the slogans are carefully picked out; the clothes are significant, and so on.

Contestation rites are often interpreted as a form of maintaining the harmony of the system. They are the safety valves that allow for the manifestation of opposition, without unpleasant consequences, keeping the system and its leaders intact.

Those who developed ritual means of controlling conflicts have a competitive advantage over those who are deprived of such a control mechanism. Konrad Lorenz said that all means that ensure unambiguous communication are used identically in rituals. The exaggerated,

[78] Ernst Cassirer – Filosofia formelor simbolice (The Philosophy of Symbolic Forms), 1955, cited in G.G. Constandache – Introducere în filosofia contemporană. Texte şi comentarii (An Introduction to Contemporary Philosophy. Texts and Comments), Politehnica, Bucharest, 1990.

[79] Max Gluckman – Essays on the Rituals of Social Relations, Manchester University Press, Manchester, 1962

redundant repetition and the characteristic intensity are obvious during most human ceremonies. Pondered acceleration, frequency and amplitude constitute the symptoms that characterize ceremonial behavior. The explosion of form and color, the entire pomp and performance are perfected over the course of cultural history, to reach the same objectives.[80]

The football games between the staff and the prisoners symbolize the dominance of authority, and to beat the staff translates symbolically into the possibility of eliminating the oppressors.

The very moment hostility appears, rituals have historically appeared to express this hostility. They take different forms, and sometimes even manage to limit physical aggression by using symbolic forms of belligerence. Many rites are organized only by one camp, reveling in the moral inferiority of the others and glorifying in their own superiority.

The importance of rites is mainly psychological: they reduce the level of anxiety and give a degree of—or at least impression of—control over one's life. As exercises of comfort, they provide a sort of social anesthesia to those they influence.[81]

In the case of taking hostages from the staff, the government itself becomes a hostage, by a process of symbolic transformation. The prisoners have no hope of engaging in a dialogue with the public; they only hope to draw the public's attention for a mere moment, resorting to dramatic actions, based on a complex symbolism. They adopt the symbols of justice, but with a reversed meaning, demonstrating that their arrest is in fact a case of kidnapping.

People feel oppressed by the overwhelming force of authorities if they do not have an organizing mechanism. Absence of organization is often related to inferiority. The staff tries to prevent the emergence of any form of organization in order to maintain control over the prisoners, in an attempt to constantly reaffirm their dominance; it is difficult to argue effectively while down on one's knees.

In Renaissance Venice, the officials used to keep a register—*Libro Cerimoniale*—where they would write down which ceremony was held for which particular dignitary, so that in the future guests were

[80] Konrad Lorenz – Cele opt păcate capitale ale omenirii civilizate (The Eight Capital Sins of the Civilized World), Humanitas, Bucharest, 1996, p. 24

[81] David I. Kertzer – op. cit, p. 148

welcomed with their particular ritual. They were interested not only in impressing foreigners, but in their own position within the ritual.

For Bronislaw Malinowski, rituals replace science with magic and therefore, the more we understand nature, the less the ritual is necessary. The value of rites resides in its ability to manifest control over the ignorant, those who are not capable of fully developing their own critical faculties. There would be no rite without belief[82].

[82] Bronislaw Malinowsky – Magic, Science and Religion, Free Press, Glencoe, 1945, p. 14

Initiation rituals

The first striking impression anyone has upon entering a penitentiary for the first time is the obvious contract between preconceived ideas of detention and the reality. It might be presumed that detention is an interesting and unique experience, that there is the possibility to quietly reflect upon life and think about the future, and achieve the necessary loneliness to clear one's head. But a psychical and moral breakdown occurs as soon as one reaches the entrance. The oppressive architecture, the standardized rooms represent the antithesis of comfort; the bars on the windows, the huge difference between the staff building and that of the prisons, the high, barbwired fence guarded by armed policemen, the distant attitude of the staff, the degrading outfit of the other prisoners, their worn-out clothes, ragged and dirty, either too large or too small, making them look pathetic, the stench of sweat, the worn-out shoes, their almost completely shaved heads highlight the idea that they are different from common people; the dirty, blackened and slimy palms, covered in calluses, suggest that there is nothing dainty or novel about prison work; the severe discipline, depersonalized and militarized to an absurd degree, forces the prisoners to gather in platoons and keep pace with the others, running for no reason around the concrete yard; all these are seen during the first moments after entering the institution, and are enough to make any newcomer disregard the idea that he can maintain any semblance of normal behavior in jail. In such an environment—and suspecting that things are even worse than what he saw at the beginning—the individual's instinct for self-defense and self-preservation grows, becoming less resistant to lessen any damage during the detention period.

Entering a penitentiary for the first time triggers a very powerful reaction for any individual, as he experiences a radical departure from his previous roles and social identity. The penitentiary experience is a confrontation with disorder, although any jail is defined by its contribution to maintaining social order. By the degradation, humiliation and de-sanctification of the self—that constitute the defining processes of the baptism ritual—human dignity and the individual's inner capacity

of defense are destroyed. From this perspective, we may talk about a spatial-temporal apartheid policy.

Initiation rituals are necessarily degrading: dispossession of personal objects, loss of some civil rights (such as the right to have money, to write checks, to vote, to adopt, to shop and sell items, etc)[83], compulsory medical inspection, meeting the warden and receiving the bedding and the instructions regarding the "rules of the house," as well as designating some personal spaces and institutional roles—these are all processes that both the prisoners and the members of the staff are subjected to at the moment of employment (with the exception of the loss of some civil rights for the staff). This is a mass, impersonal treatment, designed to integrate the new "client" into the routine of penitentiary.

In the case of female prisoners, humiliation is even more severe. The exposure of the naked body, some real or symbolic aggressions, objectification, head shaving, "delousing" and "disinfection," disproportionate outfits, wearing the colors of dirt (grey and brown), as well as the obligation to show constant submission and obedience—all of this produces an even greater level of shock.

This rupture is not only caused by the separation from family, friends and colleagues, but also by the separation from the self, from one's past as a free person. The attempt to destroy one's self-image is necessary so that all individuals are treated in the same way.

The prisoner has no power over his daily life. He cannot choose when to eat, sleep, or walk; he cannot choose who to share a room or a bed with. Any trace of autonomy, initiative and responsibility disappears. The formal and informal rules that govern the different aspects of his daily life are meant to turn him into a child, to cause a psychological regression. He cannot repair the TV brought from home (if he is allowed to have a TV, since he doesn't have the right to a fridge), but he has to obey the administrative formalities that require a repair ritual. *Infantilization* is also connected with the limited amount of information he takes in or gives out. He has difficulty deciphering penitentiary symbols, since there is no manual stating what he is entitled to do and what not. The lack of information maintains the sense of

[83] Process defined as "civil death" by Erving Goffman – Aziluri. Eseuri despre situația socială a pacienților psihiatrici și a altor categorii de persoane instituționalizate (Asylums. Essays on the Social Situation of Mental Patients and Other Categories of Institutionalized People), Polirom, Iași, 2004, p. 25

uncertainty and insecurity. If a prisoner has to be hospitalized, the date of his transfer to the hospital is not disclosed to him until the very last minute, so that he cannot plan or organize his escape on that occasion.[84]

The most significant stage in this "baptism" is when a prisoner receives a different identity. During the time of the Nazis or the communists, prisoners were assigned numbers and their name was completely erased from the records. Over the past few years it has become compulsory to keep the prisoner's name. The prisoner no longer introduces himself by saying: "I am prisoner no. 11452" (experts consider this to be a form of mutilation of the self), but by saying: "I am prisoner Ion Popescu, 27 years old, serving 5 years in prison for rape." His crime is attached to his identity, even in cases where the sentence is under appeal and the prisoner is only temporarily incarcerated.

What is most surprising is that the temporarily incarcerated—those that are therefore presumed innocent—are often the prisoners who receive the worst treatment. They receive the dirtiest, most ragged and coarsest clothes, blankets and mattresses; although they are unaware of rules and regulations, they are punished with the utmost severity for the slightest misdeed; their heads are shaved in the most humiliating ways, with obvious mockery, they are pushed, hit, subjected to various forms of degradation and forced to shut up or to adopt a forced respect, to adopt humiliating positions (crawl on their abdomen, sit up straight or with their legs apart for a bodily search, even in the rectum, presumably to check if they have any hidden drugs), to beg humbly and use polite and insistent requests for obtaining the most common things, such as a sheet of paper to write a formal letter, a cigarette or even a smoke from a cellmate's cigarette. This degrading treatment to which temporary prisoners are subjected is meant to reduce any form of defense during the trial, to present them in court as criminals and jailers. From the staff's point of view, *any* prisoner must have done something wrong, and looking to dodge responsibility through the legal system is an offense to their fellow policemen—those that made the initial arrest.

If a prisoner is forced to introduce himself with an identity which has to include the crime and sentence, the staff addresses him in other ways, shorter but no less humiliating: gypsy, fag, swindler, rapist, murderer, etc. His new identity, already humiliated, is thus degraded permanently. Any possibility of social distancing is removed, and a sort

[84] Dominique Lhuilier, Aldona Lemiszewska – Le choc carceral. Survivre en prison (The Penitentiary Shock. Surviving in Prisons), Bayard, Paris, 2001, p. 32

of complicity with the staff is created, a relationship of subordination, since the prisoner cannot address them in a similar way. Most of the time, the nicknames given by the staff or cell mates are immediately adopted: Piticu, Surdu, Mutu, Bau-Bau, Macumba, Grizatul, Flocea, etc.

The prisoner is welcomed by a deputy officer and taken to the medical office and the psychology laboratory for regular check-ups; usually no tests are taken or recommendations given, except for the especially serious cases; the prisoner understands from the beginning that he will not find any comfort within the walls of this institution. He was brought to prison because of some anti-social act, demonstrating serious behavioral abnormalities, a severely altered morality and his past festers in his conscience. After all those years of misunderstanding, he hopes to be able to talk, to be listened to, to be understood at last. But he is asked only to answer questions with "yes" or "no," and has no chance to release this spiritual and psychological burden, or even find some sincere help. In a system he cannot understand, he is quarantined for a while (usually more than the twenty-one days allowed by the law), to get accustomed to life in prison. The shock is great here too: insomnia, crying, disorientation, weight loss, then the feeling of victimhood, blame, followed by uncertainty and waiting to join the community. Disappointment replaces despair rather quickly. Deserted by his family, deprived of his personal goods by the older prisoners, forced to come into contact with mentalities and lifestyles that before were hardly imaginable, he understands that it is impossible to carve out any niche of comfort for himself.

B.N., 18, arrested for theft, confesses[85]: "When I entered the room, first came the 'cool guys' and the guards on duty to see me. They asked me questions and tried to humiliate me (subject him to sexual harassment – n.n.). I didn't want to and they threatened to beat me up. I screamed, got out to report and told the warden about it. He moved me to another room. In there, two gypsies from Târgovişte tried to grab me. I refused, they beat me up, took my clothes and then left me alone. The warden didn't do anything to them. I was lucky to meet a guard on duty who knew people from my town and he ensured my protection. He protected me until his time was up. But because he protected me I had to wash his socks, give him some of my food and the packages I got from home."

[85] The interviews were taken from Bruno Ştefan – Minorii în detenție (Minors in Detention), a BA thesis elaborated in 1993, unpublished

B.E., 19, arrested for theft: "Baptism takes place in quarantine. That's where you get everything: beat downs, slaps, training, slaps on the ears, palms, getting things stuck in your mouth or ass. Whoever fights gets respect. But you need strength to do that. Whoever is taken for a sucker stays like that the whole time he's in jail."

Prisoners understand from the very beginning that the staff will take a long time to help out, or are available only in times of severe crisis, and that real isolation from potential harm is impossible. They become convinced that they will be labeled for the rest of their lives, that life will pass them by despite their efforts; their personality gradually slips away and they feel entirely alienation from themselves. Frustrated by numerous deprivations, unable to discharge systematically and naturally their emotions and affection, psychologically the prisoner undergoes a self-intoxication, demonstrated through external behaviors such as hatred, envy, and a fierce desire for revenge.

Because they have a reduced space for movement in penitentiaries, prisoners develop an ancestral phenomenon of territoriality—the behavior of the individual who tries to defend his own territory—manifested by an exaggerated fierceness in defending "the personal space": the place where he goes to sleep, where he eats, and works

Prisoners often feel that life in prison degrades them psychologically because they have to give up a series of personal objects and many of the pleasures they could afford in their free life (alcohol, gambling, normal sexual life), and have to accept a severe lifestyle, with a security system that controls their every activity and thought. Revolted at first, protesting and refusing to obey, they are gradually brought back to "normal" by both the staff and some prisoners interested in maintaining this state of mind.

Commitment procedures are accompanied by the baptism of the prisoners; they do everything to show the newcomer that his situation is pathetic and that he, too is pathetic. During this rite of passage, the newcomer may be called "footslogger" or "freshman," to show him that he is not only just another institutionalized individual, but worse; he is of a lower status even within this inferior group.[86]

Baptism in the cell takes place to establish the social position of the prisoner. It starts with the confession of the newcomer, who tends to tell his own story, i.e. why he is incarcerated. At this time, the "stultification" stage occurs, the phenomenon by which a more experienced prisoner

[86] Erving Goffman – op.cit. p. 27-28

offers moral support to the newcomer and reinterprets his criminal act in a comforting way. His remorse is quickly replaced by justifications of the acts, and the individual adheres to them because they offer him reasons to be exempt from guilt. By diminishing his culpability, his conscience is eased and it modifies his position toward punishment.

T.F., 18, serving four years for group rape: "things didn't happen the way it's written in the file. There were three of us at the bar and she kept looking at us. We asked her to come over to our table and then to my place to have a drink and listen to some music. She hit on me first, then she wanted to do the others as well. Her parents forced her to say she was raped." (this interpretation is often used by many people imprisoned for rape—n.n.).

O.E., 19, serving four years for rape: "I spent a lot of time regretting what I did. Even now I think the punishment is too mild for what I did. But you see, we read the newspapers here and watch TV and see that there are much worse things happening in this country than what we did. And how can I not revolt when another guy is caught for doing the same thing as I did and gets less time in prison than me? Where is the justice in that? Those who have money pay the judges and get off a lot cheaper and only the poor people get punished."

C.N., 27, serving seven years for drug dealing: "I got seven years for a little tiny bit of drugs, and Țiriac's son is free, although he should have got over two hundred years for all the drugs they found at his place. And Mutu walks around free all over the world after doing worse things than me."

The selection and generalization of some negative aspects of daily life are necessary to make some "objective" arguments to support one's own past, present or potential behavior. This mechanism allows the prisoners to see the world in a specific way,, namely as one based on individualism; each person has to take advantage of any chance to reach his goals, regardless of the means. This conviction leads to a lack of remorse for criminal behavior.[87]

The new prisoner has to pay a price for this psychological support that is vital in dealing with the harsh prison life, and the price depends on his previous social status. If his relatives visit him and bring him packages with clothes and food, he will have to share them with the

[87] Gheorghe Florian, Dan Sterian and Mihai Stamatescu – Studii psihosociologice privind mediul penitenciar (Psycho-sociological Studies Regarding the Penitentiary Environment), edited by M.I. and D.G.P., Bucharest, 1987

"tough guys" who offer him protection. If he is poor and nobody visits him, he will have to do a series of degrading tasks for his protector: wash his clothes (especially his underwear and socks), offer him some of his food, wash the toilets instead of him, pick up extra work shifts, etc.

Payment is done immediately, and it represents the acceptance of the protégé status. Its refusal attracts immediate consequences: beatings, confiscation of the few goods, rape or attempted rape, mutilations or intentional "accidents." This will happen repeatedly until the prisoner gives in and accepts the protection of another cell-mate. Few individuals are spared these acts of violence. Some are spared due to physical strength, a sympathy triggered from the beginning, or simply a lack of interest from other prisoners.

In an environment that negates solitude, where the most fortunate prisoner can claim a personal space of about a square meter, everyone takes part in the baptism of the newcomer. For those that consider not taking part, there is a very real fear of consequences from the others.

Baptism is notorious in the shower, when humiliation and mockery are focused on the prisoner's nakedness. This form of group "pre-rape" is accompanied by a verbal rape (manifested by words such as "impotent," "doll," etc.), and then followed by threats of castration or maltreatment, and even touching the person's body.

The employees are not only familiar with the baptism ritual, they often encourage it. There is motivation for this ritual on several grounds: sanitary reasons (related to the cleaning of latrines by rotation), responsibility for life (related to force feeding), preparing for life outside prison (related to the rules regarding posture and clothes), "safety" (related to the restrictive regulations in prisons). The different grounds for this sort of degrading behavior are often nothing more than simple rationalizations determined by the administration. Often it is an attitude that comes from trying to control a large group of people in a limited space with as little expenditure as possible.[88]

The staff also goes through an initiation ritual when getting a job in a penitentiary. Most of the staff are recruited depending on their age and career aspirations. But what matters most is obedience and respect for superiors. From the outside, they appear like perfectly obedient and mechanical devices. There is even a degree of narcissism in this blind obedience, as the employee exalts his own impunity reflected in the

[88] Erving Goffman – op. cit. p. 51

power that orders him[89]. The recruiters rely on their lack of culture and instruction and on the low social level they come from. Educated and learned members of the staff constitute a minority often ridiculed.

The essential psychological components for a successful baptism of the staff are[90]:

capacity to de-humanize the prisoner

the habit of cruelty (neutralizing decency, horror, repulsion, shame—as ethical reactions)

robot obedience assumed as virtue (he does not have to think, only to carry out orders and be proud of it)

impunity

political, psychological, financial omnipotence

assuming an ideal of harsh masculinity

the existence of some humiliation in the past (in the family, or social class)

Indoctrination is therefore the main element in the baptism of the staff. New employees are indoctrinated with the idea that prisoners are nothing but human rejects and scum, whose harmfulness has to be neutralized. This vision leads to the idea of a master and slave relationship. Psychologists working for Amnesty International say that the staff is dominated by a superego combined with a sense of elitism. The specific training, rituals and slang they cultivate (the preciousness of language we referred to in a previous chapter) are meant to indoctrinate the idea that they form an elite group within society. Access to the status of professionals is given by passing the "hardening" exam, as an essential part of the baptism ritual. The hardening of a new employee happens under the careful surveillance of an older member of the staff, who assesses the humiliation techniques studied in training school or learned from his superiors. Examination is carried out by putting on a show, as part of a ceremony. Among the humiliation techniques used are body ridicule, verbal humiliation (sexual or religious), shaving the beard and head, spitting on and striking the prisoners, quick searches, forbidding some food or products (Coca Cola, radio, chess, etc.), taking the scantily-clad prisoners out in the yard during winter, tearing off their clothes, interdiction of jewelry, etc.

[89] Ruxandra Cesereanu – Panopticum. Tortura politică în secolul XX (Panopticum. Political Torture in the 20th Century), Institutul European, Iași, 2001, p. 87

[90] Ruxandra Cesereanu – op. cit. p. 97

During the hardening process, members of the staff are taught to be cautious, to threaten only as much as they can, to think before they act, apply punishments that do not leave evidence, to adapt to political, social and cultural changes, so that they can maintain their position until they retire. Befriending prisoners is severely sanctioned, and this explains why staff-prisoner friendships, or even apologies and other human affections are so rare. That sort of empathetic behavior would negate all the efforts of indoctrination, and the respective employee will be removed from the system.

Penitentiary staff members know they are not allowed to discuss what happens at work, they cannot make statements to the press without authorization from management, they are not allowed to collaborate with other institutions, or make phone calls during work and are even encouraged to hide their identity when outside the institution. All staff members are instructed to say they work in the military service, and for added credibility they are also told to mention the military unit UM 0xxx. Keeping the secret of current activities leads to a complete detachment of the employees from their former colleagues and friends in the free world. As a means of compensation, full family employment is encouraged. Becoming related to older staff in some way through marriage, or christening is almost compulsory. Nepotism in penitentiary administrations has in fact been encouraged by a decree from the General Management of Prisons. Despite the fact that this decree was struck down after considerable pressure from civil society, it became widely understood that staff relatives would be favored upon employment. Nepotism as a virtue is also visible in staff research. The case of Gherla prison is particularly striking; nepotism is so dominant and widespread there that all employees belong to one of the four or five dominant families.

Baptism of an employee (especially a military one—the dominant cast in the system) implies the assignation of a new identity. They receive nicknames that express their aspiration to be warriors, military elite, and are used as signs of power: Câinele, Boxerul, Cobra, Şacalul, Puma(puma), Monseniorul, Fulgerul, Campionul, Vipera, Rechinul, Tigrul, Vampirul, Tarzan, Hercule, etc. All these nicknames or pseudo-names express a particular feature of the military man, especially the masked one: his degree of brutality, or his "style." Thus, Câinele (the dog), in Rahova penitentiary, is used to refer to the masked man who can spread terror among the prisoners just by growling and showing his teeth; Boxerul (the boxer) is the masked man who turns the prisoner

into a punching bag; Monseniorul masters the art of refined torture, talking politely but hitting fiercely, with calculated blows, cold and impersonal, and so on. The "masked men" want to line up their nicknames with a series of famous characters in the business; yet they only end up with a ridiculous name.

The "war names" are false, since there are rarely fair fights, only the mocking of fragile minds and bodies. Thus, the so-called military cast is false, and they are ultimately nothing but cowards: they torture people who have no means to defend themselves. After beating up the prisoner—after "the game"—they pretend that the two should act like boxers, i.e. with no ill feelings. The masked man is essentially the descendant of the ancient and medieval executioner.[91]

Indoctrination implies a perversion of language. The guard often says that he is not punishing, but rather maintains order or executes the orders of his superiors. In fact, he did not just beat the prisoner, he operated on him, and he forced another prisoner to talk, and therefore betray his colleague. This defensive and at the same time egotistic rhetoric is related to the attempt at justifying their existence, by belonging to a presumably noble institution: DGP (National Penitentiary Administration), SRI (Romanian Secret Service), SIPA (Secret Service), the Army, the Police, etc.

The complicity of the other civil employees—especially doctors—has always existed. Mengele is a common nickname given to penitentiary doctors, analogous to the famous Nazi torturer. Their existence springs from a fake humanization of the system. As long as they witness violence in prisons without opposing it, they legitimize the system, assigning a "scientific" value to it.

The essence of baptism consists in adapting the individual to the environment, in detaching him completely from the world he came from, in destroying his old system of values and showing him that the prison is the only possible social order, the only holder of truth during his time there. Baptism results in a more rapid identification with the role (that of a protégé, snitch, guardian, masked man, and so on) and reaffirms even more clearly the sources of authority, despite the many changes of staff or prisoners in the system. It has the purpose of making the newcomers familiar with the value and culture of the institution, with the existing structure of formal relations, where the role of "protector" is decisive for the fate of the novice.

[91] Ruxandra Cesereanu – op. cit. p. 76, 81

Baptism has to make a strong impression on the newcomer, so that the latter contributes to attracting inside the walls as many material, financial and relational resources from the outside world. The prisoner has to know that his life depends on the quantity of packages he receives, and the staff members learn that they have to serve the system with all the external relations they have in order to facilitate their career. Hence, baptism has the role of justifying the existing system and those that have power.

Adaptation rituals

Once "baptized," the newcomer learns how the system of sanctions and privileges works. This contributes to the reconstruction of the self, severely degraded after the baptism. The rules of the house are no longer looked upon with contempt, ignored or refused, but there is an increasing interest in them, in view of identification with those mechanisms that can facilitate adaptation. The privileges of institutions do not consist in special indemnities, favors or values. Instead, it consists of the removal of deprivations that a prisoner is usually forced to accept. The concepts of punishment and privilege are not tailored from the material of civil life.[92] The right to receive visits, legally permitted for any prisoner, can be taken away if the authorities deem it necessary. The right to food cannot be taken away, but the dislike of staff may cause the prisoner to receive less or worse food, or even to receive it under humiliating conditions (in dirty bowls, picked up from the floor, spat on, etc.). On the other hand, the employees know that they can receive sanctions; they can be overlooked for bonuses and promotions, they can lose their rank or get transferred for minor or imaginary faults, or they can even be excluded from the system altogether based on any number of dangerous legal grounds: corruption, violence, theft, etc. This is why one of the first things they learn is to remain on the defense and protect themselves; everyone is watching and you have to watch everyone else, as well. You cannot allow yourself to be caught in certain conversations and it is certainly not advisable to reveal anything out loud.[93]

In a world of deprivation, the adaptation rituals are in fact rituals of exploiting the system. The cells have privileged places and places of punishment, beds for the veterans and beds for the punished, but most beds can be bought and sold. There are also cells for the recalcitrant ones, and cells for the VIPs, each appropriately equipped. On the other hand, there are also warm and comfortable places behind the desk for the staff, and places where the guard is permanently humiliated, cursed

[92] Erving Goffman – op. cit. p. 54
[93] Octav Bozînţan – op. cit. p. 96

by the prisoners, and the result is a destruction of self-esteem and a tremendous amount of stress.

Despite publicly stated egalitarianism, life behind the walls is very diverse, just as the living conditions vary, putting individuals of equal condition in unequal positions. One consequence of inequality is the fight for privileges and to avoid sanctions. Although punishments are sometimes very severe, they are not radical enough to eliminate altogether this fight for a privileged position. Their arbitrariness can lead to a breakdown in some cases. Some employees leave the institution when they consider that it is not worth the effort to fight for such small benefits, which they could easily get from a regular job in the civil world. But of course it is not as easy for prisoners to leave the institution. Two solutions haunt the minds of those who cannot put up with the injustice and harshness of penitentiary life: suicide and madness. Usually the prisoner understands that he will not commit suicide, but the thought of having the power to bring about death to himself makes him stronger. The second degree relative to suicide is self-mutilation, often practiced in the punishment system. Often it is meant as protest. Madness is also a temptation, a form of relief from suffering (even a form of redemption), but the prisoner cannot have the certitude that it will ever come along, since madness cannot be controlled or induced on command.[94] There have been cases when prisoners collapsed, either because of a beating, or because they were no longer able to stand the mockery and the disregard of human dignity (the case of the manager from Creditbank who became mad in the Rahova penitentiary was covered widely in the press).

Adaptation rituals are often translated as "making your life in jail easier," allowing the possibility of normal living conditions in an abnormal environment: to have a good bed, a warm blanket, a morning cup of coffee, to be able to communicate easily with the other prisoners and with one's family, to be able to make a phone call at any time, to be treated respectfully by others, etc. Understanding the importance of these rituals supposes being able to decipher the stages of a penitentiary career. From this perspective, there are different ways to exploit the system, specific to every period of time spent in jail. The first ones aim at reconstructing a minimum of dignity assuming the inability to bear everything. Faced with family abandonment and the hostility of those around him, the prisoner makes frequent demands and complaints to

[94] Ruxandra Cesereanu – op. cit. p. 167

the prison management: to move the bullies from the cell, or for him to be moved to another cell, to get specific medication and to continue the treatment begun before being arrested, to communicate with his family (especially his children), etc.

All adaptation rituals are meant to show the individual that he is still the master of his own life, that he can control the environment, as well as to render him immune to the dreary world inside the walls. They bring back an increased preoccupation with himself, visible in the excessive use of expensive perfumes, designer clothes (which he can only wear inside the cell, since he is forced to wear his uniform when getting out of the cell), refined cigarettes, high quality coffee, etc.

The preoccupation with his own image continues with the invention of impressive stories about himself: stories of adventures or affairs he had, the relations with the people in charge at one particular time, success, the "real" story of the crime that led him to prison. Although nobody believes these stories, the others repress their disbelief (maybe to stimulate similar behavior in their case) and end up treating their colleague according to what he wants to hear. Thus, an individual is introduced by the others as "Fane Spoitoru's man," another one as "Cataramă or Iorgovan's enemy," another one as a victim of PSD mobsters or corrupted justice, another one as "the Bancorex manager" (although in fact he was no more than a petty accountant) or "the mastermind behind FNI", another one as "the brain behind the great job at X company," and so on. Each of them tends to build a legend, with himself as the protagonist; he had a great future that was destroyed due to carelessness or he fell victim to an unjust plot. These stories with a sad ending are meant to prove that the respective person is not a criminal or at least does not deserve to be in prison.

Even the staff members come up with similar legends about themselves. They frequently boast that in their previous careers they worked for the most extraordinary people in the country or abroad. "Masked man" Vipera tells everyone that he used to be Ion Iliescu's bodyguard, and masked man Hercules has an impressive story of how he saved the life of some high dignitaries (ambassadors and members of parliament). Doctor X prides himself with participation in great international congresses and hangs framed leaflets mentioning his name on the walls of his office. And psychologist Y tells of her love story with the great Cristian Andrei—host of the TV show "9595" —that was suddenly interrupted by a bimbo who forced him to marry her.

These legends are meant to strengthen the idea that they are not losers, the scum of the guilds they belong to, that their great past proves that they can have an even greater future when they wish, and their presence in the institution is due either to a pause of celebrity, or to an intellectual challenge (although the scientific results of such a challenge, taking the form of books, studies or conferences, are null or of very poor quality). The way in which they do their job in jail contradicts much of the self praise, and the colleagues constantly discredit him behind his back ("if he is so smart, what is he doing here?" or "how come he could not give a correct diagnosis for X?"). But these stories are stimulated because they become the source of exploitable weaknesses. Once the doctor's ego is tickled by stimulating him to retell for the thousandth time the story of the difficult operation he performed in 19xx, he will more easily do small favors to the colleague who listened to him with feigned interest.

Along with these invented legends, there are also negative anecdotes that most individuals try to hide, but which comes up either from their files, or through gossip. For some of them, their own legends are useless. Child rapists are not allowed any excuse or explanation, and the history of the rape is negatively amplified to the point that the prisoner is beaten up, stabbed, robbed, humiliated at any expense by their prison-mates and the staff can be equally demeaning. The same occurs with the stories of "masked men" or guards, who are mocked by the prisoners in the presence of other members of the staff ("you animal!," "you are nothing but a dumb cop!," "what do you think the head of the state saw in a brute like you?").

Since legends are a source for sarcasm and harassment, some people develop defense mechanisms to avoid confrontation with stressful agents. When the romanced tale of the theft is contradicted by a "mate" arrested for committing the same crime, the condemned will try to be moved to another section, even to another penitentiary. And when a member of the staff has been lowered in rank for corruption, violence or theft, he will avoid the company of colleagues who know what happened, and will look for alternative social support.

Another component of adaptation rituals is compensation, referring to the use of personal abilities in a particular domain, to balance failure. Each person tends to look for those elements that make him useful, so he is identified with that skill or ability, and not only an implausible story. One may discover that he knows how to write beautiful letters to his family; another one that he is a good poet or singer; another one may

turn out to be the best chef, or the best carpenter, TV repairman or plumber. Among the staff members, one may have an easy way with words and is made spokesperson or companion of official delegations, another one is good with computers, and another one is the best negotiator with prisoners during conflicts. The search for a particular specialization (not necessarily certified by diplomas or acquired legally) is an important preoccupation of any individual within the penitentiary system.

"The career anchors"[95] develop by successive trials and chances that appear during the first months from entering the institution. As the person gets a clearer occupational identity, the perception of a distinct pattern of one's own talents, aims, needs and values is formed. According to Edgar Schein, there are five fundamental types: *technical/functional competence* (previous experience in doing that particular job), *managerial competence* (the ability to coordinate, influence and deal with people on superior levels), *safety* (the long-term stability of the job and the promotion perspectives), *autonomy* (the freedom to move and to avoid constraints, even at the price of giving up some other opportunities) and *creativity* (the desire to invent something which is their own exclusive achievement). Just as an anchor keeps a boat from drifting away, the anchors of the penitentiary career keep the individual focused on certain activities. If some of them happen to take on incongruous tasks, the anchor of their career pulls them back to more suitable activities.

Although most of them try to anchor their career in activities strongly related to what they are going to do after leaving jail, the scarce conditions of detention sometimes causes complete ruptures between the way in which the job is performed in prison and the way it is done outside. The absence of raw materials and exchange parts implies looking for substitutes which become more important than the former. The lack of transmission cords in engines leads to using some knotted pieces of cloth instead, and looking for the pieces of cloth becomes more important than looking for the actual transmission cords. Cans are used for the most unusual purposes (turned into trinkets, knives, hiding places, playing cards, etc.), giving way to unusual jobs, with no demand on the free market. And the staff members become so specialized in the routine of daily activities, dominated by safety and secrecy of petty deeds that they lose their normal communication abilities and get the

[95] Edgar Schein – Career dynamics, Addison-Wesley, Reading M.A., 1978, p. 11

feeling of being a failure to society. The generalization of petty activities, inappropriate to the professional standards taught in school forces some employees to leave the institution quickly, as they are interested in their profession, and thus confirm the perception of negative selection of personnel.

Since it is not an institution that encourages its staff to gather skills for useful and attractive jobs, the prison compensates by granting certain favors and benefits. These are obtained gradually, proportionate to the change in behavior and the vision of incarceration and its place in society. In the process of penitentiary socializing, the degradation and humiliation of the old self is followed by the reconstruction of the self, based on the appropriation of a new set of convictions about oneself and surroundings. The rewards of this appropriation initially consist in taking away unpleasant things, but will sometimes include creating some considerable fortunes. In the first stage, each will try to exploit the existent inequalities for his own purposes.

The employees are themselves corrupted while trying to adapt to the penitentiary environment. Money and highly valuable goods flow freely through the prison system, and their appropriation by the staff is inevitable. Appropriation is sometimes stimulated by decisions made by the central administration. It is an unspoken rule in all prisons that the staff will be distributed a quantity of meat from the prison commissary each month, sometimes at a nominal price, sometimes for free. In 2005 the official National Penitentiary Administration website claimed that each prisoner or staff member is allocated an equal ration of 2 kg of meat per week. At the same time, prisoners sometimes complain that they only get 100 g / week.

The same situation applies to other goods: computers, construction materials, etc. For example, the mushroom farm run by Jilava Penitentiary was taken over by the family of a penitentiary employee. They buy mushrooms at prices seven or eight times lower than the market price and then sells them at the market, with the profits going straight into their pockets and those of the management. Only a small amount, if at all, is contributed to the jail coffers. Construction materials allocated to build new penitentiaries or new wings and the free labor force provided by prisoners are often used to build imposing villas for the penitentiary staff. (The phenomenon reached its peak in 1995-1996 when such cases were reported in the press). Contract jobs are farmed out with no bidding or fake auctions are organized. The winning

contractors are usually staff relatives who set up ad-hoc firms and who give the management significant kickbacks.

High level, institutional corruption occurs with the complicity of some prisoners, who benefit from small favors and who are used as a cover for staff appropriation of goods earmarked for inmate consumption. A selected few prisoners are used as witnesses during audits. They testify that inmates receive plenty of food, or if some goods have been missing, that they stole them.

This is an integral part of the Romanian corruption culture. The press covered similar phenomena in the army, police, secret service and in most governmental institutions that administer public money. Corruption is thus not initiated by a handful of evil-doers infiltrated in the system. It is generated, controlled, and managed by the system itself. The corruption fostered by the penitentiary economy is not even unique to Romania. It was detected and described in detail by Gresham M. Sykes[96] in the United States, as early as 1958. According to him, restrictive prison rules naturally foster the possibility of crime, bribery, and corruption since they also naturally generate not only one, but a multitude of black markets. Whenever rules limit access to goods, there is scarcity, which generates its own supply mechanisms. In so far as tobacco, food, alcohol, drugs, sex are in short supply, the incentive to satisfy inmate and staff appetites will create a black market.

The disparity between stated amounts allocated to each prisoner and their miser condition is staggering. This illustrates Robert Michels's well-known "iron law of oligarchy" according to which as institutions are more bureaucratic and closed to external surveillance, more and more goods tend to be distributed to fewer and fewer individuals.[97]

Corruption and black markets are at the same time natural adaptation rituals. The radical rupture from the outside world fuels the pursuit of welfare (and happiness) inside the prison walls. Romania is the country with the largest number of recidivists in Europe; inmates

[96] Gresham M. Sykes – The Society of Captives, Princeton University Press, Princeton, 1958, the chapter on "Corruption of Authority," p. 260-278

[97] To Robert Michels, organizations produce domination through "bourgeoisification" and oligarchic rule. The more the organization is subject to bureaucracy —as are the Romanian jails—the more the staff gets further away from the aims they set out to reach, and serve to fulfil personal aims, often contrary to the official ones. Bureaucracies fix procedures and rules that suppress private initiatives and weaken external control. See Gordon Marshall (coord.) – Dicţionar de sociologie Oxford (The Oxford Dictionary of Sociology), Univers Enciclopedic. Bucharest, 2003, p. 362.

have learned how to live in the penitentiary world so well that they prefer life in jail to freedom. This alludes to the phenomenon of "penitentiarization" described by Donald Clemmer[98], which implies not only adaptation jail life, but also de-culturation and inability to function in normal society. From this perspective we can speak of prisons not only as places of confinement for a prisoner's body, but of his mind and cultural identity as well. Czeslaw Milosz illustrates this point well when he affirms that captives redefine their vision of the self and of society to deal with obstacles, in such a way that obstacles, limitations, and compromises to overcome them become an integral part of life and personal identity. If these obstacles were removed at once, captives would experience a sense a void a lot more painful than captivity itself and would prefer their state of captivity.[99]

Adaptation rituals contribute to reaffirming the integrity, dignity, and fundamental value of the individual. They are a way to reject the vision according to which the prisoner represents the scum of society and the staff is not much better, since they work with waste and garbage. Adaptation rituals meant to institute social power and order are accompanied by rituals of contestation and rebellion, which serve as safety valves. Through them, the resentment accumulated by prisoners or lower echelon staffers are diminished and the penitentiary system, itself, finds a new point of equilibrium in time of crisis.

[98] Donald Clemmer – The Prison Community, Cristopher Publishing House, Boston, 1940

[99] Czeslaw Milosz – Gândirea captivă (Captive Thought), Humanitas, Bucharest, 1999, p. 76

Contestation rituals

Seen from a functionalist perspective, rituals that contest institutional order (self-mutilations, suicides, escapes, mutiny, hunger strikes, etc) are a means to perpetuate the system; they are safety valves allowing for opposition to dissipate without unpleasant consequences. For the staff and for management, contestation actions are the product of inmate distorted understanding of the rules (and never of the fact that the rules are ambiguous or wrongheaded). Conflict and contestation should, however, be seen in the context of the inevitable competition between individuals sharing a confined space, as well as of putting together two lifestyles (of the staff and of the prisoners), with their own different values, ideals, and resources.

Since they are inevitable, contestation rituals are often initiated, planned and controlled by the staff members themselves, as forms of speeding up the decision-making process created by situations of crisis. (Etymologically speaking, *krisis* comes from the Greek word for "decision." Crisis always entails re-evaluation of options and a final decision.)

Among the contestation forms ritualized by the authorities as crisis management tools there are *the soccer games* between the staff and the prisoners. This form of symbolic conflict periodically initiated in prisons gives the prisoners a chance to regain their dignity and a moment of power reversal, especially if they win the game. For the staffers the games have a different meaning—that of glorifying their superiority.

Allowing a *prison press system* plays the same role of safety valve. Prison publications often spread "forbidden" songs, texts written in slang, or accounts of prison life hardships (without any personal reference, though). These publications—nothing more than simple sheets of paper stapled together—circulate for about two or three days through the cells and are then collected by the jail staff. They are carefully filed and later shown to external visitors as proof that freedom of speech is respected in prison.

Therapy communities also employed in a ritualized manner for solving conflicts. Although held in contempt both by the prisoners and by the staff ("those who go there and hold hands") they are in fact important tools for reducing the discontent of some of the most unpleasant and violent inmates who regularly question institutional

order. Therapy "communities" are used to neutralize violence and discontent. They prevent solidarity between the prisoners by taking the more powerful leaders and strong personalities out of the collectivity and by labeling them as mentally disturbed. These inmates are inoculated with the idea that their discontent (sometimes expressed violently or loudly) is the manifestation of some psychological ailment that needs to be treated by sympathetic psychologists. Prisoners are told to express their discontent in front of the counselors, who will help them bring about changes and a better prison life. In the meanwhile, behind their back rumors are peddled that they have became stool pigeons ("blabbers," "snitches"). Many become outlaws within the inmate community and are forced to go on living in the "therapy community" for the duration of their term in prison.

Contestation ceremonies controlled by the authorities also include *visits of officials or NGO representatives*. Impossible to forbid, they are prepared down to the very last detail: alley borders are repainted, kitchens are cleaned, and those persons considered as successfully re-educated are brought to the front, so that the visitors may see for themselves that humane standards of care and incarceration are employed. Officials are accompanied by the staff and the visits follow previously established routines. Guests are shown "protocol" (showcase) cells and common spaces, carefully avoiding areas and people that could shed a negative image on the prison. Visitors are left waiting for long periods in offices where they are deluged with the minutiae of prison life delivered by well-instructed prisoners. The rest of the visit is rushed, such that there isn't enough time to explore the less accessible corners of the prison, such as the toilets, the temporary prisoners' or punishment cells or any other sensitive places. Some visitors, especially high governmental officials, well known journalists or friendly NGO activists are treated with high deference. They receive small tokens of gratitude at departure and excessively friendly staff members offer to provide them with safe or sanitized pre-written visit reports or to provide them with interesting research subjects that at the same time stay away from any sensitive issues. All other researchers, politicians or journalists, and especially those that could be "problematic," have to wait for months for a visitor pass. In some situations, only a well placed bribe can open the doors. During their visits, outsider researchers have trouble making contact with any well-spoken or educated prisoners who can offer a coherent image of detention life. VIP prisoners (Miron Cozma, Fănel Păvălache or various managers, lawyers, businesspeople, etc.) are not

available for interviews. Researchers are told that prisoners refuse to talk to them, even if inmates expressed a wish to communicate with them. When the purpose of the visit is to talk to a particular prisoner, he or she is quickly made presentable (dressed in a clean uniform, washed, and shaved), taken out of his or her cell (so that the visitor cannot discuss with the prisoner in his own environment), and never left alone. Although everyone realizes that they are offered an embellished image of the prison, both the prisoners and the visitors tacitly accept this charade as one of the few connections between the inside and the outside worlds, which might bring some improvement, no matter how temporary, of living conditions. For a few days food is more consistent, clothes are washed and changed, toilet doors repaired, the plumbing fixed, and so on.

Manifestations of open protest and violent hostilities are less controlled. *Verbal aggression* is most frequent. Usually offensive appellatives are used, such as "gypsy" or "stupid." When no other staff members are present, an employee will address a prisoner with "move it, gypsy!" followed by a push or slight blows. In turn, a prisoner won't hesitate in calling a guard "stupid cop!" when inmates are within earshot. These appellatives are so often used that they no longer trigger reactions of protest unless the staffer is offended in front of other staff member.

Threats and swearing complete the range of verbal aggression. They are numerous and vary in intensity. When his prisoners are particularly incensed by insults or undeserved punishments he "fires up," reacting either by swearing between his teeth or directly, by physical violence.

Frequent use of verbal aggression weakens self-control. Inmates lose social skills, behaving in immature and often emotionally unstable ways. This strengthens their feelings of inferiority, which can only be compensated in a vicious circle by the renewed efforts to redeem themselves through verbal rudeness and occasional physical violence.[100] A 1996 research on parallel groups of prisoners, guards, and members of the general population shows that prisoners swear 23 times more often that free individuals. CPI, EPI, and Raven tests indicated that it was not intelligence or personality features that are responsible for this difference, but the penitentiary environment. Confinement leads to an accentuated tendency toward impulsivity and a high potential for

[100] Alfred Adler – Cunoaşterea omului (Knowing the Human Being), IRI, Bucharest, 1996, p. 99-100

aggression. Jail life is also responsible for a low level of social maturity and diminution of social judgment. The study found little self-control or ability for self-discipline among the inmates. Prisoners were characterized by high emotional instability and significant difficulty in regaining psychological balance after violent episodes. This is doubled by egocentrism, focus on personal pleasure and fun, a level of intellectual efficiency below average, uncertainty and narrow interests. [101]

The degradation of human behavior in jail—permitted by initiation and adaptation rituals—continues with *physical aggression*. According to K. Lorenz and I. Eibl-Eibesfeldt, aggression is a strategy for conserving one's personality and identity and is vital for surviving in a hostile environment, which imposes restrictions in satisfying basic needs for food, shelter, love, and so on. The increased tendency toward aggressive behavior in jail is the predictable result of crowding. Living with people we do not know and do not want near us constantly activates physical aggression. This over-solicitation leads to significant degradation of social behavior[102].

Although regulations are in place to control violent manifestations, they are in fact tolerated. They are often used instead of official punishments and their incidence high. As the penitentiary system is organized on the reward – punishment principle, and as the official punishments can usually be quite exacting both for the enforcers and for their subjects, jail officials avoid the use of legal sanctions. Instead, they have developed a different set of sanctions, more physical, but less difficult to enforce and, more importantly, less costly in terms of release time. No matter how wide and varied the range of aggression, it is nevertheless preferred by the prisoners to official disciplinary reports and notes added to their files, which would cancel the possibility of release on parole or would deny some of their customary rights (to receive visits, to get packages, etc.). This explains the numerous palms, slaps, pushes and all the other types of punishment the staff members inflict on the prisoners, and the inmates' failure to complain about them.

[101] Florea Marius – "Trăsături personale şi motivaţii subiective la infractorii instituţionalizaţi" ("Personal Features and Subjective Motivation in the Case of Institutionalized Criminals"), in Revista de ştiinţă penitenciară (The Journal of Penitentiary Science), no. 2(25) / 1996, p. 194-207. Swearing occurs more frequently in young persons and decrease significantly as people get older, both inside penitentiaries and outside.

[102] Konrad Lorenz – Aşa zisul rău. Despre istoria naturală a agresiunii (The So-Called Evil. On the Natural History of Aggression), Humanitas, Bucharest, 1998, p. 28, 30

When recalcitrant prisoners refuse to play along, they are moved to other sections or even to other penitentiaries, so as not to become an example and draw the support of other prisoners.

Yet we cannot deny that there are some individuals with a high potential for violence, who find in prison a chance to revenge for all their life failures. They choose to discharge their aggression on weaker and defenseless inmates. The existence of violent and dangerous inmates justifies the safety measures and the punishment system within the prison system, yet, most prison violence is circumstantial, due to the stress of penitentiary life.

Despair and the lack of defense mechanisms lead to a series of *self-aggression* rituals. Defined as violent manifestations against one's own body, self-aggression is supported by a significant decrease in the conservation instinct. Self-inflicted wounds abound: cuts to the arms or neck, swallowing of hard objects (nails, wires, spoon handles, thermometers, shaving blades, pieces of glass) or ingesting toxic substances, cutting off fingers, fracture of limbs, sewing one's mouth or eyelids, sticking nails in the head or other parts of the body (tongue, ears, between the ribs, genitals, etc.). The frequency of these acts is huge: during the first semester of 2001 the doctors treated 348 men, 65 minors and 19 women (more than two mutilations per day) for such injuries. This is just an estimate. The real incidence of such injuries is higher since a lot of cases of cutting one's veins are not reported, being considered as an insignificant injury.

The reasons for self-aggression identified by DGP (National Penitentiary Administration) psychologist Cristina Pripp are: to impress the staff in order to get a benefit (for example, to be moved into another room), to intimidate other prisoners, to impose oneself in the inmate hierarchy, to avoid aggression from other prisoners, to manifest hostility toward the staff, to avoid disciplinary measures, to determine the other inmates to adhere to a specific cause, or to obtain a privilege.[103] Most often, however, mutilation expresses inability to bear things any longer. Solitary confinement, where inmates are left for months on end, is often responsible for this behavior. Inmates drive nails into their head using the shoe heel as a hammer. They slice their limbs themselves with pieces of glass, shaving blades or whatever they can find.

[103] The study is included in Gheorghe Florian – Fenomenologie penitenciară (Penitentiary Phenomenology), Oscar Print, Bucharest, 2003, p. 109-110

Hunger strikes, suicides, escapes, mutinies should also be included among contestation rituals. Rules lead to protests especially when what is different is conceptualized as delinquency and when rules are used to express power, not order. The *hunger strike* is the protest ritual most often employed by inmates to expresses their discontent toward the slowness of the judicial system or toward arbitrary treatment that affects his dignity. A hunger strike is often an imagined remedy to the unhappiness caused by the institution. It is usually taken to the extreme, since officials treat most hunger strikes as "blackmail" of no great importance. Usually, a hunger strike is an action with low chances to succeed, since the staff members interrupt it as soon as it take a more serious turn. The typical argument is that the prisoner will be transferred to a far away jail, where his family cannot visit him.

Suicide is the radical expression of helplessness. Considered emotional blackmail, prior signals that the suicide candidate sends out to let people know of his intentions are largely ignored. Suicide attempts are more frequent among alcoholics, drug addicts, or those dealing with depression-inducing personality disorders.

Suicide, the final remedy for unhappiness, is strongly connected with deterioration of family relations. E. Durkheim's statement according to which suicide varies in direct proportion with the degree of integration within the social group to which the individual belongs[104] is constantly confirmed in prisons, where social worth and personal identity are connected with one's sense of status, acceptance, and group ties. Research carried out in France, Great Britain, USA, Canada, and Australia confirmed that the rate of suicide is significantly higher among prisoners with no or fewer social ties. Suicide occurs especially among men, young people, singles, temporary arrested, or those serving long sentences. They occur soon after arrest, especially on Saturdays. Hanging is a favorite method, while the hospital or the solitary confinement cell is the typical location.

Sorin M. Rădulescu, following Jack Douglas (*The Social Meanings of Suicide*, Princeton University Press, 1967), concludes that suicide is a way to posthumously relate to others. Suicide is often meant to get the others' sympathy, mercy, and compassion or to share such feelings with them. Suicide is the ultimate expression of feeling sorry for oneself.

[104] Emile Durkheim – Despre sinucidere (On suicide), Institutul European, Iaşi, 1991

Suicide victims often mean to blame others for suppressing their lives, and thus suicide is a form of revenge.[105]

The high rate of suicide in prison can also be related to the heightened significance of corporality in prison. As the body becomes an object of preoccupation for other people (guards, doctors, psychologists, officers, etc.), it becomes valuable not only to its owner but to others as well. Turned into a value, the individual will try to use trade it or use it as a weapon. He or she usually does it by degrading it through violence, thus by decreasing its value for others. The body thus turns into the only weapon available to the subject in his or her attempt to take control of his social environment, to get rid of the passive and subordinate position she or he finds in.[106]

Escape as a form of protest against imprisonment is the solution that haunts the mind of any prisoner, but it is immediately abandoned when acknowledging the fact that he would be caught quickly and subjected to a series of severe punishment: loss of basic prison rights or increase of sentence term. Since sanctions concern not only the fugitives, but also the guards responsible with their surveillance (and even the wardens of the respective prison or section), the authorities have established severe surveillance mechanisms that made Romania the country with the lowest escape rate in Europe. In 2004, there was only one successful escape. The excessive resources spent on safety reduced the escape possibilities, and the punishments applied to the cell mates for not having noticed the action in due time transferred a significant part of the control responsibility into the hands of prisoners.

Despite the chronic state of discontent in Romanian jails, contestation rituals occur only rarely. Strikes and actions of protest are immediately repressed, since their simple mentioning in the press attracts negative consequences on the entire staff. The case of the young prisoners from Craiova who died after setting themselves on fire in the cell as a sign of protest against the staff that had confiscated some goods from their packages stirred the vigilance of the authorities even more.

---

[105] Sorin M. Rădulescu – Devianţă, criminalitate şi patologie socială (Deviance, Criminality and Social Pathology), Lumina Lex, Bucharest, 1999, p. 241.

[106] Marina-Sorina Ţogoie – "Tentativa suicidară şi suicidul în mediul penitenciar. Semnificaţii şi modalităţi de prevenire" ("The Suicide and Suicide Attempts in the Penitentiary Environment. Significance and Ways of Prevention") in Revista Administraţiei Penitenciare din România (The Journal of the Romanian Penitentiary Administration), April 2002, p. 74

Over the past 15 years there have been only two major *riots* in Romanian penitentiaries, in 1989 and 1997, both in the context of more general social unrest. There are indications that these acts of collective disobedience were tolerated by the staff members or by the central prison management, some might say with a probable interest in creating a state of chaos in the rest of society.

In 1989 a major prison riot started at Jilava Penitentiary on December 17, before the popular revolt in Bucharest which lead to the Romanian revolution of 1989 ("The Romanian revolution started in prison"—staff members ironically say when referring to those events). The spark of the riot was, in the context of the revolutionary events unfolding outside the prison walls, the decision made by the Ministry of Justice to interrupt the flow of information into the prison. Rumors that prisoners were going to be sent to fight against the Hungarians who wanted to take over Transylvania, or that a release decree had already been given, but the Ministry for Internal Affairs refuses to apply it, also contributed to the unrest. The interdiction of intervention measures, including disciplinary transfers of rebellious prisoners to other institutions, created the illusion that the revolts were stimulated by the DGP (National Penitentiary Administration). Since the revolt lasted for over a month, the regular staff was severely purged and former secret service agents infiltrated in the DGP (National Penitentiary Administration)—a phenomenon that spread over the entire penitentiary system in the years following the revolution.

The scenario staged in 1989 was also replicated for the 1997 riot. A change in the political power structure, occasioned by the coming into power of the first democratic alliance after 1989, generated rumors of possible parole releases. Prisoners initiated widespread hunger strikes, while the losing party, the PDSR, and its leaders, especially Rodica Mihaela Stănoiu and Ortansa Brezeanu, amplified the tension by visiting the penitentiaries and tacitly supporting the strikers. A Ministry of Justice official, Dorin Clocotici, suggested (*"România Liberă"* and *"Ziua"* from February 21, 1997) that the action was set up by groups that were hostile to the ruling coalition. Their aim was to promote the idea that the new government was not capable of leading the country. The APADOR-CH reports also showed that in many prisons the staff encouraged the prisoners by resorting to violent repression despite the framework plan approved by the Ministry of Justice for riot situations.

The riots in the end benefitted only the administration. They did not lead to significant immediate improvement in the living conditions in

prisons. Instead, and especially in 1997, they put an end to the wave of reforms for a significant number of years. They increased militarization, despite discussions of imminent demilitarization; they decreased the freedoms of the prisoners; they led to silencing of inconvenient prisoners; they removed the liberal experts from leading positions or even from the entire penitentiary system. The only positive effect was in increase in staff wages and benefits.

When I discussed with prison wardens after 1997 about the possibility of their subordination to local administration, a reform that the riot prevented, their reaction was violent: "We will show the mayors: we will bring them here and take the prisoners out in the yard. They will immediately forget about wanting to take us under their control. We will get us a strike to remember." The statement was made to me by a Rahova penitentiary warden and was echoed by superior staff members I interviewed in Iași, Focșani, Gherla, Giurgiu, Jilava—a sign that a hazy scenario for a possible controlled revolt dominated their thoughts at the time. A special force officer I interviewed went even further, explaining to me how such a scenario might work:

1. creating a tense atmosphere in the sections by spreading the rumor of imminent transfers;
2. severe application of rules (excessive sanctioning of prisoners and staff);
3. introducing arbitrary decisions (especially related to release before due time);
4. generalization of ambiguities (regarding the daily schedule, permanently modified);
5. launching rumors (about the serious deterioration of living conditions, soon to follow);
6. preparing the reserve staff in advance;
7. using the press to amplify the strike over the entire penitentiary system;
8. stimulation of communication among inmates by increasing the number of hours for walking;
9. identifying potential leaders and encouraging them to start a strike;
10. using force to maintain control.

In this as in previous situations, however, far from being a real danger, contestation rituals are a means of reaffirming the legitimacy of the power structure. They are based on the symbolic representation of the prison: a place for criminals and bad people, who have to be

completely isolated from society. Public contestation rituals strengthen this perception. For example, hostage taking, a rare occurrence in Romanian jails, is always interpreted in a symbolic key. The hostages, usually staff members, are presented in the media as the embodiment of arrested social order.

Contestation rituals are concealing and revealing, hazy and clarifying at the same time. They undermine authority in order to strengthen it even more forcefully. They recreate solidarity by reasserting the primacy of rules. They generalize the feeling of guilt, which is then replaced by obedience. They reduce the level of anxiety and give the inmates the feeling that they actually have some control of their lives. They draw the public's attention, only to be channeled in ways that satisfy the power structure. Without them, the system itself is meaningless.

Heroes and social structures

For Geert Hofstede, heroes are people--alive or dead, real or imaginary--endowed with highly appreciated features in the context of a particular culture and who serve as models of behavior.[107] In the context of the present study, the term "hero" is preferred to that of "leader" because it includes dead, imaginary or symbolic characters, all important in the Romanian penitentiary system, and because it refers especially to personal rather than socially acquired features.

Heroes appear in any organization. The more bureaucratic an institution is, the more rules it creates, and the more legitimizing power becomes available to those capable and willing to seize it. Each new power situation or arrangement creates new heroes. We cannot conceive of institutional order unless specific roles are assigned to their members and inequality is accepted. Despite assumed egalitarianism, prisons display a lot of inequality. Management of inequality is a good opportunity for some people to exert their personal influence on others.

Heroes are endowed with a series of specific features: intelligence, energy, self-confidence, will to power, motivation to lead, emotional stability, honesty, and the impulse to achieve things. They embody the group aspiration to harmony and an upbeat attitude.

There are several types of heroes depicted in the penitentiary culture: the providential hero, the leader, or the savior. They express a complete and coherent vision of the collective. Emotion, waiting, hope, and adhesion are strongly manifested around them. Most of them are ordinary people, but there are also some exceptional individuals among them.

The heroes' career is divided into three stages: affirmation, glory, and martyrdom. Their rise is not swift. The process of passing from ordinary to mythical status is complex, following a sophisticated scenario. It consists of stages that are slightly different form one scenario to another varying in affective tonality. According to Raoul Girardet[108], the process of turning someone into a hero includes a time of waiting, one of action, and one of remembrance. The first stage marks

[107] Geert Hofstede – Managementul structurilor multiculturale (Management of Intercultural Structures), Economică, Bucharest, 1996, p. 294

[108] Raoul Girardet – Mituri şi mitologii politice (Political Myths and Mythologies), Institutul European, Iaşi, 1997

the formation and spreading of the hero image, which gathers around it the collective expression of an often rather confused set of hopes, dreams or nostalgic expectations. Quite often the image is not embodied by any existent character and the waiting is in vain. During the action interval, dreams are about to come true, and manipulation plays an important role in elaborating the hero myth. During the third stage, that of remembrance, the hero's image, projected against the past, modifies according to the whims of memory, to its selective mechanisms, its exaggerations, and inhibitions.

When an individual becomes a public persona, he stands for a combination of diverse and sometimes contradictory representations, aspirations, and demands: order and adventure, revolt and submission. The hero may be tragic, but he guarantees a better future.

The hero is always depicted as a fighter, a rebel under constant threat, standing on the edge of the abyss but refusing to obey the order imposed by the higher ups. He lives in a world in turmoil, which he re-establishes or breaks. He gains recognition and defines himself within the context of a present of misery, confusion, and darkness. Thanks to him, whatever comes "after" will not be the same as "before." His legend is associated with images and symbols of verticality, justice, and hope. The hero reflects the penitentiary community; he embodies general values shared by the prisoners and sometimes by the staff, which gives him high moral authority.

In prisons, heroes appear in times of crisis: institutional standstills, unfair denial of rights, internal slander campaigns, general disorder, press campaigns against warden abuse, etc. They emerge during a legitimacy or identity crisis, when rules have been abusively broken or modified and the dignity of a colleague crushed or when the answers given by the authorities to legitimate grievances are not clear. Heroes emerge when the legitimacy of official leaders is compromised. They contest the legitimacy even more vigorously by pointing to cultural and mental patterns that have become false or seem to be ineffective. The propose new institutional rules or behaviors, demonstrating that suspicion, doubt or contempt have become substitutes for identification with and submission toward the established institutional order.

The hero is a trailblazer by definition. His refusal to submit to the old ways spontaneously results in the feverish search of his colleagues for new forms of leadership and social adhesion. He opens previously closed doors and emboldens his followers to ask for more and to shed off all shyness. He stands for a model that anyone can identify with. The

hero amazes, generates emotions, captivates. He fascinates, bestowing on every gesture and every word a profound affective nuance. There is no sacrifice that the humblest of the group members is not willing to do only to be worthy of his esteem, friendship and kindness.

The hero stands out by audacity or capacity to reject and contest. He interrupts the monotony of daily life, destroys old interdictions, subverts the rules, and releases long-repressed energies. As both master and accomplice, an agent of mediation and social coagulation, the hero imposes himself spiritually and affectively. To recognize his authority means at the same time finding oneself and finding the others. Through their hero, the inmates share the same emotions, expressed in common slogans, points of references and certitudes.

In the words of Thomas Carlyle, he is an agent of change and a warrant for stability. This is a paradoxical status which highlights his tragic condition"[109]. His condition is also tragic due to innate loneliness and alienation. Some heroes even commit suicide. From this point of view, some penitentiary heroes sometimes commit suicide as well. They choose self immolation to send a desperate message about the misery of jail life not only in their own name, but for the entire community.

Heroes are not recognized by the authorities. When recognition is inevitable, it is only temporary. They are soon submitted to a process of humiliation that includes deprivation of elementary rights (often even the very rights they struggled for). To destroy their fame they are transferred to other penitentiaries. Officially, there are no heroes in jails. In reality, they always emerge when groups are threatened or oppressed, when there is a fragile balance between inmates and authorities. In a penitentiary universe marked by increasing disorder, heroes give hope that things can nevertheless be kept under control and managed. The broken balance of the jail world is restored in their hearts and conscience, and the inmate universe regains its coherence.

The hero myth has been studied by scholars for almost two centuries and its social role was found to be very complex. For Mircea Eliade[110], the hero myth is a story about the past, which maintains at the same time an explicative value for the present, especially when it justifies human destinies or forms of social organization. For Roland

[109] Thomas Carlyle – Cultul eroilor (The Cult for Heroes), Institutul European, Iaşi, 1996

[110] Mircea Eliade – Aspecte ale mitului (Aspects of Myths), Humanitas, Bucharest, 1996

Barthes[111], myth is mystification or a way of camouflaging reality. Myth alters the data of experimental observation and contradicts the rules of logical reason; it is a screen between the truth of the facts and the demands of knowledge. For Claude Levi-Strauss[112], the hero myth has a creative and enlivening function; it is a call for movement, an incitation to reason, an energizer and social catalyst.

The deconstruction of the hero myth into distinct parts, its division, numbering, and classification is always a risky process, as the myth cannot be understood by means of a deconstructive process. The closer they are inspected, the more its constitutive themes proliferate; we may think they were separated only to notice that they are part of the same whole, brought together by unforeseen affinities[113]. Fluid, with imprecise and overlapping outlines, myths are polymorphic. They produce multiple meanings for each act and situation. Such meaning are not complementary, most frequently they are ambivalent.

Perhaps the best way to understand the role of the hero in the penitentiary system is to examine the evolution of two exemplary characters, one a representative of the staff, the other of the prisoners. The former is psychologist Gheorghe Florian, former manager of Rahova penitentiary, the later Miron Cozma, once a mining union leader from Valea Jiului. There is not a single DGP (National Penitentiary Administration) employee who doesn't know Gheorghe Florian, just as there is not a single prisoner who doesn't know who Miron Cozma is. Both enjoy not only recognition, but also strong feelings of identification and sentiments of personal allegiances. They embody two models of heroes who transcend time and space: the saint and the warrior. The two types of heroes also represent two very important types of symbolic knowledge developed within the culture of the penitentiary system.

Both went through the waiting stage, in which their personality was formed by learning the ropes, then through the action stage, when their person embodied the hopes for system reform, due to their personal success. And both went through the martyrdom stage, when their image was stained by rumors regarding their corruption and personal fallibility, and finally their status suppressed, by their removal from the penitentiary that consecrated them as heroes (Rahova).

[111] Roland Barthes - Mythologies, Ed. Du Seuil, Paris, 1957

[112] Claude Levi-Strauss – Mitologice I. Crud și gătit (Mythologies I. The Raw and the Cooked), Babel, Bucharest, 1995

[113] Claude Levi-Strauss – op. cit. p. 25

At the end, only the memories and their fame are left, amplified by legends about their courage and the obstacles in their way. Gheorghe Florian's is now the famed author, researchers, reformer of international fame. Miron Cozma is remembered for his palatial accommodations: a cell with only a few inmates, a fridge, aquarium, telephone, unlimited access to the sports ground, visits, packages, the freedom to use money, the possibility to negotiate schedule, food, etc.

Gheorghe Florian and Miron Cozma are not the only heroes of the Romanian penitentiary system. The 1989 and 1997 riots produced heroes, as well as numerous suicides and attempted suicides, escapes and attempted escapes, hunger strikes and altercations. When their life was not violently taken, they were moved to different locations, to destroy their fame. Memories are the only thing left behind. Their absence was painful for a few days, but subsequently they became idols.

Prisoner society

Any closed environment generates a certain type of interpersonal relationships. They have a specific content, dynamics, structure, and apparent features. Besides the common elements—formal and informal structure of status and roles, communication, and power—prisoner groups also have particular features, with a specific impact on their members' identities.

The structure of prisoner society resembles that of military societies: all the members are potentially equal and have the same rights, while interpersonal relations are highly hierarchical. Although nobody wears rank insignia on the jail uniform, the rank of every prisoner is obvious and his particular status makes the others grant him the exact amount of respect required by his social position. Prisoner society has its aristocrats, proletarians and dissenters, with very clear and visible hierarchies. The official criteria for classification (according to the crime committed, former social class, ethnic or regional origin, age, type of imprisonment: temporary, first time, recidivist, etc.) translate into their right to occupy different detention spaces, with different levels of deprivation, and facilities.

The inmate world is built on exchange of goods, services, and information and hierarchical positions can be acquired or improved through barter and exchange. The traffic in goods between prisoners—often facilitated by the staff—regulates detention conditions and inmate social status. Status is regulated by marked by signs and possessions; every gesture, fact or thing has a clear meaning and value in this environment and it influences social status in a good or bad way. It is only natural for inmates to want to stand out from the penal crowd in which the administration considers everyone to be equal, and prisoners don't hesitate to pay for comfort. This is convergent with Hubert Bonaldi's observation that penitentiary spaces are a laboratory where we can observe the power relations in any marginal society.[114]

Repeat offenders or the more experienced prisoners ("the veterans") are always at the top of this hierarchy, followed by the

[114] Hubert Bonaldi – D`une prison l`autre (From One Prison to Another), Ed. Bernard Grasset, Paris, 1977

physically strong. They help the newcomers adapt to the penitentiary environment asking for goods or services in exchange. Initiation to prison society is vital for any newcomer and they are responsible for managing it. Initiation removes any feelings of uncertainty, fear, and suffering and it gives the inmate a new meaning in life. The price paid varies from one individual to another. For the physically weak, or for those with a reduced level of instruction and intelligence, paying the price may last over the entire period of imprisonment.

In a tough environment, full of deprivation, fundamental moral values—justice, honesty, dignity, kindness, sincerity, modesty, etc. — mean different things. Justice is based on force, honesty means loyalty toward the group and the leaders, dignity translates into imposing one's own will, and respect is equivalent to fear. The prisoner comes into contact with these norms and values from the moment he enters the jail doors and the veterans preside over their enforcement.

But let us start a summary description of Romanian prison society with the lower rungs. One of the lowest (but not necessary the lower) are the **"**slaves**,"** "suckers" or "**nephews**." These are the ones who make the beds and wash the laundry for the more powerful inmates. They find themselves in this situation because of weaker psychological stamina or lack of body strength, but also because of their poor or lack of relationship with their families. Those who are not visited by their families (orphans, from very poor, or very large families) do not get packages from home, thus have nothing to exchange on the prison marketplace of power. Their situation is particularly hard when they have no access to the prison hard currency, cigarettes ("if you have cigarettes, you're all set" goes the prison saying). "Nephews" need to sell their personal services to survive. They wash other people's socks and underwear for a cigarette; for a whole pack they sell their uniform or more valuable things. Octav Bozînţan describes such a situation in his book: "They were waiting patiently in the lavatory for one of them to finish washing and another to take his place. Until their turn came, they smoked some of their earnings, chatted or threw dice—which was also forbidden, but that more inciting. Each of them had his own pile of laundry which he watched carefully. If anything got lost, he would lose his customers. If that occurred, he would have to made do with the daily bowl of food and terribly bad and stinky smokes made from the butts thrown away by others, or from matters straws."[115]

[115] Octav Bozînţan – op. cit. p. 181

Not all "slaves" or "nephews" are the same. There are fine distinctions between them. Moreover, there is a group that is outside the caste prison system: child murderers, rapists, addicts, those ill with AIDS or hepatitis, homosexuals, transvestites, or those who committed incest. At the very bottom of this layer of prison society are the "faggots" or "the vile ones"—those used as oral or anal sex objects by other prisoners. These are usually selected from among the more physically attractive ethnic Romanians who, at the time of the "humiliation" were going through a serious psychic and moral depression, and therefore were highly vulnerable. Gypsies rarely if ever end up in this situation, or so the prison folklore goes. Once included in this category, "faggots" cannot escape from it until they are released. Faggots are the target of all prisoners' mockery. Nobody sits at their table, everybody curses and beats them. They cannot shake this label off even if they are transferred to another prison. Their name is transmitted to other penitentiaries by prisoners transferred from one institution to another.

Prisoners are not at all revolted by the treatment applied to homosexuals. The horrors committed against them are perceived as part of the normal order of things. G.C., who has several sentences for theft under the belt, describes the fate of "faggots": "Almost every day they are made to parade between the beds dressed up like a woman. Their names are called aloud and feminized, Dan becomes Dana, Cristi, Cristina, and so on. They are then made to dance and do a striptease number as sexy as possible. "The slicks" then take them for oral and anal sex in the bathroom. Most of them are raped and those who have sex with them use plastic bags instead of condoms."[116]

Those who raped old women or children do not share a better fate. The hostile reaction toward them goes from isolation to daily aggression. Their rejection is motivated by explanations such as: "we too have mothers, sisters, girlfriends and children," "these guys do not deserve to live," "they are not normal."

Murderers and those arrested for attempted murder are marginalized, but nevertheless feared. They are cursed, but also avoided, which limits their bad treatment. They generally cope well with their detention. Sentenced to great periods of time, "lifers" experience a definitive rupture between past, present and future. Their relatives and

[116] Interview published in Evenimentul Zilei (The Daily Event) on February 8, 2005, under the heading "Viaţa şi moartea în puscărie" ("Life and Death in Jail"), signed by Cătălin Bulat and Dorelina Bellu

friends left in the outside world belong to the past. Only the present is certain, while the future is totally insignificant. Most of them find peace and forgiveness with the help of born again Christian missionaries. Since they are locked in separate cells, they have little contact with the rest of the prison population. Regular thieves, pimps, and drug addicts group together to form their own community of taste, opinion, and ideas.

Another category within the "nephews" caste includes the **"carriers"** or "bags," those who carry other people's bags and who help the "slicks" in the workshops.

"The governors" have a little more style and manage to keep only the slightest shred of dignity in the humble world of the slaves. They might make other people's bed for a cigarette, but in certain circumstances they refuse degrading work, sometimes simply because they are less addicted to cigarettes than others.

Within the same class, **"blabbers,"** "snitches" or "jets" form a distinct category. They are those who eavesdrop and "let their tongue wag" to the staff and to the secret service officer. Isolated from the other members of the prison population, they are faced with the mockery and revenge of the prison community whenever the occasion arises, yet they could also be feared.

"The thinkers" form a distinct class—those who cannot be made to clean up after others, do not provide services for anyone, and do not share their packages. The term comes from the phrase: "do you think that...," used when someone tries to humiliate them and they oppose to the slicks encroachments. Their number is relatively large; they are the ones with a higher level of education, sentenced to jail for white collar crimes, and have been better socialized in the outside world.

"The scouts" are the jesters of prison society, whose role is to entertain and amuse the prisoners and at times to take advantage of those that are less quick witted. Their number is insignificant, but their role is very important, as they animate the generally gray prison life.

"The slicks" are the aristocrats of prison society. They are protected from "robbery" (they never give, they always take), their deeds are protected from the guard's eyes by slaves and protégés, and they do not "blab." They do, however, steal other people's packages. One becomes a "slick" by force, cunning, and tenure. Protection offered by a friend or relative incarcerated in the same penitentiary and holding a high position within the hierarchy can also assist in achieving "slick" status.

Slicks have several slaves—one to make their bed, another to carry their luggage, and so on. They are the most adaptable to prison life and have little or no moral attachments. Staff members are aware of their social status and thus are willing to tolerate a considerable amount of misbehavior on their part in exchange of their assistance in maintaining order and acculturating the newcomers—both important tools for maintaining the normal functioning of the penitentiary system. Their power is often legalized: they are cell, class, or workshops heads or foremen. Their ability to negotiate with the prison staff gives them absolute power within their groups. They are the ones who pass the customs and "traditions" from one generation of inmates to another; they establish rules, generate hierarchies, and set the rhythm of daily life. They are the "moral authority" of the cells and their administrators of justice. Because they are physically strong, they have the maximum level of comfort available in prison. Prisoner T.P. from Rahova Penitentiary explains that in large prisons the underworld leaders may even bring women to their cell. If one has enough money, he may even get drugs[117].

Beds and cell spaces are allocated to each category according to its rank in prison society. A typical prison cell has four level bunk beds, stretching in a single row from the metallic door of the cell all the way to the other end of the room. The first, ground level bed from the door is that of the cell chief. Those who receive visits from relatives sleep in the beds above. These are the "slick's protégés" because they receive packages with food and cigarettes. The "suckers" and "nephews" sleep on levels three and four, at the very top; they are the ones who have no protection and who did not manage to stand up for themselves. They are a shy and scared lot, and their families seldom visit them. They are assigned by the slicks cleaning up the cell and other similar jobs for him personally, or for the cell as a whole. Future passive homosexuals are recruited from this group. "The slicks" study them carefully and the most handsome and female like of them are subjected to intense physical and psychic torture in order to turn them into "little girls." Many of them give in and, once "deflowered," turn into "faggots." This status gives them a certain amount of protection from other "slicks" but they will remain stigmatized for the entire duration of their sentence. "Faggots" are not allowed to have meals at the same table with the regular prisoners and

[117] See the article "Viaţa şi moartea în puşcărie" ("Life and Death in Jail") from Evenimentul Zilei, February 8, 2005

are not entitled to an opinion if an issue requires common decision. They are not allowed to take decisions even concerning themselves. They become second hand persons.

If homosexual relations between men are repressed throughout the Romanian penitentiary system, similar relations between women are tolerated. "Fingerers" (the term designates women who play the role of men by using their fingers to stimulate their partners) trigger a lot of passion and animation in the women's sections. "At night, after blackout, two of them would slip under the blanket and whisper words of love to each other. They take turns in playing "girls and boys," and the couples formed lasted for quite a long time. At first, couples were punished by isolation and transfer to other rooms; subsequently, they were tolerated: they did not cause any trouble or get pregnant. Sometimes "fingerers" turned into real boys. They had their hair cut short, wore pants with a fly, and simulated male behavior. Many of them were jealous and if another "boy" stole their girlfriend there was serious fighting between them."[118]

Anca Ionescu, 65, serving 2 years for dilapidation: "The love scenes often spill out from blanket canopy surrounding the four sides of the bed. "He" kisses her on the arms, on the belly or on the legs in broad daylight, or they spend a lot of time at the lavatory, blocking access for everyone else. If their love is sincere and not dissimulated, and one of the "fingerers" is released, "the widow" receives visits and packages from the released partner. Sometimes the package is so big you'd think she emptied the entire mall. There are also cases when the released partner offers the "widow" a house, a car, and a peaceful life when her former lover is released"[119].

Hierarchies inside prisons are structured according to the type of offender that dominates the penitentiary system at a certain point in time. After the release of the political prisoners in 1964, almost two thirds of the penitentiaries were filled with pimps and thieves. Their predominance imposed their own vision of life, their values, hierarchies and norms of living onto the prison culture. The term "mate" (tovarăş)—which referred in the outside world to a crime accomplice [120]—was

[118] Octav Bozînţan – op. cit. p. 205

[119] Anca Ionescu – Reflexii penitenciare (Prison Thoughts), unpublished manuscript

[120] The term tovarăş "mate" was also adopted by the Communists imprisoned during the wartime period. Later on it became the Romanian term for the international Communist movement "comrade." It is interesting to note that despite the connotation

generalized in prisons, designating the association between two or more individuals: "package mates" (those who share packages sent by relatives), work mates, bed mates, etc. The mate relation is a utilitarian, pragmatic one, meant to improve detention conditions. Prisoner groups are separated into subgroups of mates—individuals who accept to share their goods with others or to benefit from their protection. Sometimes such mate relationships turn into real friendships. But the fear that they will be labeled "homosexuals" or that one of the partners might turn into a snitch for the management, "spilling the beans" on everything he knows, including his mate, creates few relationships of sincere friendship. In fact, prison guards do not encourage such relations either, for fear of conspiracies. On the other hand, although solidarity among prisoners is low, there is a certain expectation of loyalty among mates.

Absence of solidarity and the radical rupture between the two groups—the staff and the prisoners – indicate a state of profound institutional anomy. The biography of each individual rests on his belonging to a group of mates or cell companions. In a closed environment, labeling of an individual as belonging to a particular social category (slick, sucker, blabber, etc.) very much limits his freedom of action and thought.

given by the communist regime—Ceauşescu was "The Tovarăş" in Chief—in prisons and in the underworld the term maintained its original meaning: partner in crime.

Prison staff community

From the outside, the staff community might look homogenous world, in fact, it is anything but that. It is just as heavily structured as inmate society. The most obvious difference is the one between employees with a university degree and those without higher education. The value, number, and amount of organizational privileges and material benefits varies with level of education or level of insertion in the informal power network, often profoundly nepotistic. Access to food supplements (often stolen from the prisoners), vacations, and visits abroad are only reserved for the superior management. Ordinary guards are not part of this system, since are seen as simple key-bearers, servants in charge with opening and locking the doors. To get access to the privileges and benefits reserved for the superior management guards the guards often go on strike or create trouble, which then they put out, by using excessive zeal or by randomly depriving the prisoners of rest or visits.

The fight for access to privileges divides employees into several categories. The most common type is **"the robot,"** who applies rules automatically and without emotional implication. He acts like a perfectly obedient device, and functions mechanically. He assumes his role perfectly.[121] He is a stickler for rules, without questioning their utility or consequences. He knows, for example, that he has to stop any attempt of suicide and for this sets up a system of "blabbing" among the prisoners. Yet, he only intervenes when the vital functions of the suicidal body are severely deteriorated. He surrounds himself with papers and documents to justify his actions, being more interested in respecting the letter of the law than its spirit. As Goffman observed for similar supervisory personalities in America, the robot would shave all heads just to make it easier to recognize the inmates by the shape of their skulls.[122]

The robot learns to suppress any feelings of affection toward the prisoners. He understands that the most important way to carry out orders is to institute complete control over the prisoners. His main

[121] Ruxandra Cesereanu – Panopticum. Tortura politică în secolul XX (Panoptikon. Political Torture in the 20th Century), Institutul European, Iaşi, 2001, p. 110.

[122] Erving Goffman – op. cit. p. 78

preoccupation is for linguistic and legal justification of this control. The disobedient prisoner is quickly labeled as dangerous and is subjected to harsh treatment. Whispered discussions between prisoners are regarded as planning an escape and sanctioned as such. Any symptoms of illness are regarded as malingering and also treated accordingly. Robots prefer to prescribe and administer treatment themselves, without previously consulting the doctor. N.I, a temporary prisoner charged with stealing a mobile phone describes such a treatment by a robot: "I had gastritis before getting arrested and whenever my stomach ached, the guard gave me nothing but aspirins. In a few months I ended up on the operation table in a hospital, with a perforated ulcer."

The robot is not only impersonal, but emotionally exhausted, seeking refuge in bureaucratic and routine activities; he eventually becomes more and more unsatisfied with the superiors' management and with the generalized corruption, yet he marches on to get whatever scrapes he can get for his obedience.

The second type of prison staffer is the **"career hound."** Apparently tractable, he is quite vain, seeking social and professional promotion at all cost. He likes to give the impression of an intellectual and uses a lot of sayings and maxims. Sometimes sly or playful, often ironic, he can be foolish and proud. Lacking any moral scruple, he is only interested in climbing up the organizational ladder. He aspires to belong to the "elite" and this renders him vulnerable to corruption. He is well anchored in the present, but skillfully uses the past and plans for a future in which his role is more and more important. A master horse-trader, he does not step back when it comes to quid-pro-quos with the prisoners. He ignores the laws when his interest is at stake; he also acts in league with other colleagues, with whom he shares the spoils, so as not to be the only one responsible for the unlawful activities committed. His ability to create complicity between individuals belonging to different hierarchical categories ensures the stability of his job and his continual advancement. As far as his relationship with the prisoners goes, he manipulates them, either through favors (cigarettes, alcohol, and even women), or if the prisoner acts up and becomes dangerous through tasks of attrition. In the case of recalcitrant newcomers, he closely supervises the initiation process that "breaks" them into the prison culture. He personally assigns them degrading and exhausting tasks: washing toilets, peeling potatoes, scrubbing the floors, whitewashing the sidewalk borders, etc. He wraps his demanding supervisors into a shroud of rumors, overwhelms them with all sorts of petty requests, stimulates the prisoners to make

excessive use of their right to petition, then steps in, "stopping the nonsense," and appearing like a savior. When dealing with outside official visitors, he distracts them by sticking to a slow visit schedule on a previously established itinerary that includes contact with irritating or mentally ill prisoners.

The third type of prison staff member is **"the refined,"** an individual with higher education. He pretends to be a "scientist." He is intelligent, but can also be a borderline psychologically disturbed personality. He picks on the most educated prisoners which he wants to annihilate as persons. He needs professional recognition and he writes articles for specialized journals and magazines. He resorts to plagiarism but he is not aware of the immoral nature of this procedure, since he takes great pride in the act of writing , not in the content of what he is writing about. He likes to show off his knowledge and often crams together unrelated theories copied from well known books. "Revista de ştiinţă penitenciară" (The Penitentiary Science Magazine) and "Revista administraţiei penitenciarelor din România" (The Romanian Penitentiary Administration Magazine) are constantly by those who want to publish studies that make use of rudimentary methodology and primitive conclusions, accompanied by theories cited pro-forma, only to give them the veneer of scientific value. Trained as sociologists, psychologists, jurists, doctors, or military officers they are however marginal in their original professions and generally avoid contact with those at the top of their professional hierarchy. Petty but none the less stressful daily activities reduce their appetite for reading and professional training. What they excel is the art of handling visiting officials; they are always the front men, the prison diplomats. The are paraded as the "cultured" official faces of a system that is neither diplomatic or exceedingly cultured.

The fourth type is **"the toughie,"** the brutal and the sadistic employee. Often suffering from inferiority complexes, he finds satisfaction in humiliation and violence. He is more than happy to do all the dirty work of the penitentiary system, thinking of himself as a victim of duty. Although not numerous (five to ten percent of the total number of employees are considered by the prisoners themselves as "toughies"), their role and significance are greater than their official position, since their actions define the Romanian prisons. It would be a misnomer if we said that they are nothing but sadistic individuals who torture and mistreat human beings out of instinct or pure pleasure. Their role is not even to repress the prisoners alone, but also to maintain the image of

prisons as tough, brutal worlds that every free citizen should avoid. The toughie contributes not only to the submission of those inside the walls, but also to instill symbolic and future obedience in those still in freedom and especially those that might be culpable of political crimes, who are not used to the customs of the criminal world, institutionalized or not. The perspective of going to jail—and suffer inevitable humiliation, violence, promiscuity, and filth—is a strong social and political deterrent in Romania and the toughie is a central element in constructing this repression mechanism.

Loyal to totalitarian ideology, toughies are convinced that society placed a huge responsibility on their shoulders: the duty to punish delinquents, who are inferior and dangerous beings and who are made of a different dough that needs to be kneaded well. They draw their power from the ideological dogmatism promoted by some of the former Communist political activists who have survived the fall of Communism in positions of power in various ministries connected with the prison system. Their sympathy for socialism and to the party that has succeeded the Communist regime (PSD, also known as PSDR or FSN) is frequent and sincere. It isn't just a sign of opportunism (as is the case of some of their colleagues), but sincere, since in their view the past mores promoted by PSD just work. They are convinced that once released the prisoners terrorized by them would do everything they can not to be sent back to prison again.

The fifth type of prison staffer is the **humanitarian**. He is paternalistic, good-natured, sometimes called "granny" and does not use brutality. He acts like this just so that the prisoners can clearly see the difference between him and the other staff members. He is considered stupid because he does seem to be interested in climbing up the penitentiary hierarchy, he does not steal the prisoners' food, like the others, and he is happy with what he has. He is more interested in helping and offering. Yet, he is tolerant toward the omnipresent injustice, he refrains from judging it, despite the fact that sometimes tries to make things right. They interpret everything in personal terms. In a world where failure, pathology, despair, helplessness, corruption, and violence are the main realities, humanitarians see themselves as missionaries of mercy, having been given the chance to personally live some profound human, divine, medical and psychological experience. The prison experience is for them a personal challenge, by which they will attempt to reset values in their natural order if they can, if not they are happy with the ride they've got so far. They are the staff members

that are best anchored in the outside world. They can be apt professionals, with specialized training (sociologists, psychologists, doctors, priests) who still maintain authentic relationships with their professional organizations, which often recognize their value as professionals. They have also managed to adopt the values of the new job and have put a lot of effort into their professional training. Neither heroes, nor saints—although such figures do sometime emerge from their group—they relate their behavior not to the values of the organization, but to those of their profession. Their work is not as great and spectacular as that of the heroes, but their presence ensures peace in the institutions: they solve many conflicts before they get too serious and are spokespersons for the oppressed. Even in exceptional circumstances their activity remains unnoticed and is considered, at best, as "normal."

Their number is rather small and their presence in penitentiaries temporary. They are generally unable to adapt or do their job in tune with the local (corrupt) rules and end up working for NGOs or emigrate.

Values

Pavel Popescu Neveanu considers values as "personality structures which allow the individual to compare himself to the others. They are determined and characteristic for the entire system of attitudes displayed by a human personality. Values define globally, and not just in particular, the essential behavior of both an individual taken separately and that of various social groups."[123] In other words, values give meaning and importance to present or future persons, behaviors, or situations. They impart meaning and validate judgments.[124]

For Geert Hofstede values are "general tendencies to prefer certain states of affairs to others"[125], general emotional orientations with positive or negative significations. Values are associated with psychological reactions of attraction or repulsion and are the most important elements of any given culture. They constitute a culture's very nucleus, as they give significance to all its other elements: symbols, rituals and heroes. Values also order reality by transforming preference into norm. If the first other aspects of culture are visible and easy to classify, values are more difficult to distinguish being ambiguous entities that need to be inferred from people's actions. Values are acquired at an early age (according to psychologists, by the age of 10 most children have learned the fundamental norms and values of their culture). They remain in the personality structure for a lifetime and it is very hard to modify them. Values are not the product of individual minds, but of social experience. They are produced in time and are learned in real life conditions.

As Geert Hofstede suggests, values are a type of mind software that guides people through life. People endowed with strong values have a clear direction and purpose in life. Their behavior is easy to understand because values are part of almost everything they do. Loyalty is easily recognized in the behavior of a person leading his life according to this

[123] Bruno Ştefan, Pavel Popescu Neveanu, Manuela Ghiuruţan – Atitudini şi valori în administraţia publică locală (Attitudes and Values in the Local Public Administration), BCS, Bucharest, 2001, p. 80

[124] Daniel Pemartin – L`enterprise vue par ses salaries. Systemes de valeurs, stereotypes, mythes, rumeurs (The Enterprise Viewed by its Employees. Systems of Value, Stereotypes, Myths, Rumors), Les editions d`organization, Paris, 1990

[125] Geert Hofstede – op. cit. p. 25

value. People with strong value systems leave the mark on the organizations they belong to. Institutions with strong cultures promote strong value systems, which are permanently affirmed and strengthened by daily practice expressed in ceremonies, rituals, meetings, rewards and punishments, and leader behavior. When individual and organizational values clash, personal efficiency and adaptation suffer. This clash can even lead to major psychical unbalance. The success of institutions depends largely on compatibility of personal with organizational values.

Categorical values and prison life

To explain cultural differences between personalities, their values, daily behaviors, and practices should be categorized into certain ideal types. One of the first and most influential studies on value ideal types was conducted by G. W. Allport, P. E. Vernon, and G. Lindzey in 1931. It classified personality types by measuring the relative importance of six basic idea-typical value orientations. Each of them describes a type of personality with specific interests or motivational structures. Allport, Vernon, and Lindzey call these value orientations "categorical values." They are:

theoretical – characterized by observation and reason, the dominant interest being discovery of truth; critical and rational, aims at ordering and systemizing knowledge.

economical – centered on what is useful, concrete and profitable, with an interest for practical things and accumulation of wealth.

esthetic – valuing beauty and harmony, deriving satisfaction from artistic experiences.

social – values selflessness and philanthropy, the individual is kind, unselfish, he recognizes what is best in his peers.

political – centered on power and influence, the individual aims at becoming a leader, deriving pleasure out of competition and fighting.

religious – fueled by the need to gain universal understanding, by metaphysical reflection and faith in a higher power, this individual aims at achieving communion with the universe.

Applying this typology to the prison population[126] revealed very clear patterns. With just a few differences, the results were similar for prisons from different regions surveyed at different times, a sign that the patterns are inherent to the penitentiary system and not to the individuals who populate prisons at a particular moment. Compared to

[126] The studies were conducted by the author in 1997 at Jilava, Gherla and Găiești penitentiaries, in 2000 at Rahova and Craiova, and in 2004 at Rahova and Iași, on groups of 115 to 150 prisoners and 30 to 40 employees from each prison.

other samples of Romanian population,[127] the prison profiles reveal radical departures from those found in the civilian Romanian population.

First, economical values dominate all the other values in prisons and they are more prevalent than in the general population. This is true for first-time or recidivist prisoners, as well as for staff members. Economical values diminish in importance as years spent in prison increase, and are lower among women. They are high among first-time and temporary prisoners, as the fight for survival and satisfying primary needs is more important for them.

The "political" value orientation, the second in terms of importance in penitentiaries, presents some gender differentials. Men are more preoccupied than women with playing the power games of penitentiary life. The larger the prisons, the higher the importance of political value orientations. This is different from the situation found in the general population, where the political value orientation comes in the fourth place, very close to the artistic and religious one.

The religious value orientation comes in third place for prisoners, and last for staff members, who are closer in this respect to the general population. In a world with much abuse and deprivation, belief in God seems to be an important survival technique. Yet, religious orientation does not automatically translate into a need for mystical experiences. The common expectation is in miracles that would improve the conditions of everyday life.

The theoretical value orientation occupies approximately the same position both for prisoners and staff, coming in fourth place. This orientation is most prevalent among those serving or being employed for less than a year, especially temporary prisoners and those with higher education. They are more interested in the legal aspects of penitentiary life, using the law to support their quest for self reconstruction and increased self-esteem.

[127] The tests were applied on a lot of 50 union leaders and 210 oil industry workers in 1997 (Bruno Stefan, Corneliu Liţă Ştefan, Andreea Mihalcea – Organizaţiile sindicale şi dilemele tranziţiei (Trade Unions and the Dilemmas of Transition), BCS, Bucharest, 2001), 303 representatives of local public administration: mayors, local and county counselors, office workers in 2001 (Bruno Ştefan, Pavel Popescu Neveanu, Manuela Ghiuruţan – Atitudini şi valori în administraţia publică locală (Attitudes and Values in the Local Public Administration), BCS, Bucharest, 2001) and 350 students from Bucharest in 2002 (Bruno Ştefan, Pavel Popescu Neveanu – Orientări valorice în mediul studenţesc (Orientations of Values in the Student Environment), unpublished study)

The social value is the least prized in prisons. Love, friendship, and philanthropy seem incompatible with the (in)human ideals adopted by inmates. Soljenitsin masterfully captured this idea when describing life in the Soviet prison campus, with which the Romanian prison system has a strong affiliation "Detention conditions don't allow people to remain as they were. All human feelings—love, friendship, jealousy, charity, mercy, honesty, ambition—are left at the entrance. We know no pride, no self-respect; jealousy and passion are extraterrestrial concepts. Hatred is all we have left and it is the most durable feeling. Prison is a total and absolutely negative school for life. Nobody ever got anything substantially good or useful out of it. In jail the prisoner learns about flattering, lies, big and small acts of vileness."[128] A Romanian study on jail life resonates with Soljenitsin "In jail you learn nothing but the worst. You get up on command, you dress on command, the instructors beat you, the big guys screw the little ones; when you "grow up," you screw others too. Nobody tells you a word of kindness, nobody comforts you. If you have a good friend to talk to, the others will say that you are lovers."[129] Social value orientation is not a virtue for employees either; under the pressure of their superiors, blackmailed by some prisoners, driven by venal and illegal interests, they learn to be suspicious, to use the weaknesses of everyone around them. A slightly higher social value orientation was observed only among women, among elderly employees or among those about to resign, be transferred, or retire.

The last value orientation is the esthetic one, which is related to formal beauty and harmony. Its low currency in prison doesn't mean that it is rejected, but only that it is of no significant importance within the prison axiological system. Concern for beauty, artistic enjoyment of rituals and of group symbols seems to be completely irrelevant to prisoners and staff alike. The lack of esthetic orientation is also visible in the kitsch objects the prisoners produce through educational programs in which prison educators take great pride in. It is also recognizable in the new *look* the prison uniforms adopted since 1990, whose only function seems to be to make filth less obvious: brown and grey for the prisoners, or dirty blue with grey for the staff. Prisons are dominated by and esthetics of ugliness that assaults all senses. The filthy living conditions, which allow only a few minutes of access to hot water per

[128] Aleksandr Soljeniţîn – Arhipeleagul Gulag (The Gulag Archipelago), Univers, Bucharest, 1999, p. 231

[129] Octav Bozînţan – op.cit. p. 82

week, contribute to this ugliness. No one is exempted from filth. Stinking of sweat, wearing greasy, crumpled, and drab clothes, worn out shoes and sun-bleached caps, employees look like an embodiment of barbarism. A distinguishing note of ugliness is brought to prison life by profuse use of perfumes. Prisons are suffused with the smell of sweat and strong perfumes. Perfume is used to cover the smell of putrid food and sweaty bodies. Visit days are especially disgusting; prisons become an inferno of smells that cry out like the tormented souls of hell.

A typology of personal and interpersonal values in prison

In our research of prison personal and interpersonal values we have employed the SIV (Study of Interpersonal Values) and SPV (Study of Personal Values) measurement paradigms proposed by L. A Gordon (*Survey of interpersonal values*. Chicago: Science Research Associates, 1976.). SIV and SPV propose six value sets, and a few dozen individual items. The 6 major sets include:

Benevolence: treating the world with utmost understanding, being friendly and benevolent with the others; being generous with other people, helping the poor; sharing what you have with other people, considering helping others as more important that pursuing one's own interests; working for the benefit of others and of society.

Conformity: doing what is acceptable and fair, obeying rules and regulations, respecting social standards and a strict code of behavior; doing one's job at the highest possible level of moral standards; showing respect toward your superiors; doing what is considered normal from a social point of view, always doing what is allowed and moral from the point of view of the collectivity you are part of.

Independence: being free to do what you want and how you want it, having full personal freedom; working the way you like it, without anyone leading you, being independent in your own activity, being able to abandon work when you want to; living your life the way you want it, according to your own principles and decisions.

Leadership: having a leadership function and position; having authority, and a lot of influence; having subordinates under your command; being the leader of the group you are part of, being the one holding the central position in taking decisions, taking decisions on your own and being in charge of an important project.

Recognition: having an occupation or a function which implies great responsibility, being recognized important by others; being known and admired by people for what you do; being surrounded or accompanied by important (influent) people; being popular among others, being respected by others who appreciate you.

Support: making others agree with you, encourage you, take interest in your situation, show their interest toward you, treat you kindly and compassionately, approve of what you do and willing to help you, to do you favors; obtaining their affection.

The dominant interpersonal values in the Romanian penitentiary environment are rooted in conformist behavior. Obeying the rules and the superiors is the supreme virtue, especially among employees, where non-conformity is appreciated by only 1.36% (as opposed to 13% of the prisoners). Obedience as a main interpersonal virtue explains why initiation rituals are so important. Authoritarianism and the power to command and influence are appreciated by most prisoners. It takes second place in the hierarchy of interpersonal values. Although more than 25% of the prisoners disavow authoritarianism as a way of public manifestation, it seems that, once put in the position to take decisions for others, they cannot help but put it into practice. Authoritarian tendencies are higher as inmates are getting older, and they are slightly less prevalent among women.

Independence is ranked third, especially among the newly arrested and those more educated. The value ranked fourth is recognition. Labeled by society as scum or human garbage, prisoners have an intense desire to reconstruct their own image. Staff members also feel unappreciated for what they do in prisons, longing for the recognition and approval of the civilian world. Excessive preoccupation for their image leads to conformism, which to them is the key to professional success.

Support values are *rejected* by more than half of the employees and a quarter of the prisoners ranking fifth. The condemned seem more willing to be treated with understanding and tolerance than the employees. Kindness and encouragement are seen as weaknesses which are quickly turned against those who manifest them. Therefore, support is generally rejected in prisons.

Support is associated with benevolence—the least appreciated interpersonal value in prison. The low scores recorded by surveys taken at different times show that malevolence, excessive preoccupation with oneself, and indifference toward the others are institutionally agreed values, while opening toward others, solving their problems, generosity and friendship appear as forbidden feelings.

The other instrument used for capturing personal values was SPV (see note above for source). It employs a self evaluation technique that keeps the subject relatively independent of the relationships maintained with others. The test includes 6 major types of values:

Achievement: having the highest standards of personal achievement; achieving something difficult, important, significant, at a higher level and in a distinct manner; improving my personal aptitudes and attitudes,

reaching the maximum level of competence, but always aiming at both self-achievement and self improvement; having a job that puts me to the test, that is important and that involves remarkable activity; dealing with complex problems, overcoming any obstacle.

Decisiveness: having firm and strong convictions; holding on firmly to my own opinions and convictions, having a well-defined position in life; getting straight to what is important in a problem and taking clear and quick decisions, without delays; acting with determination, dealing with the problems directly, solving them quickly by perseverant action.

Goal Orientation: having well defined, clear, and precise aims, knowing exactly what I try to achieve; knowing precisely what the main goal is; focusing my efforts on very clear objectives, planning my work and way of action; finishing things already started.

Orderliness: planning ahead, being organized and using a systematic method in my work; acting according to a previously established plan; leading a well-organized life, with well-structured life habits; keeping my things clean and tidy, to be a clean and tidy person.

Practical Mindedness: being practical and efficient, getting maximum profit from my things and money; taking care of my things and my property; carefully selecting the things I buy, being thrifty.

Variety: doing new and different things, with a wide range of experiences; travelling a lot and frequently, even to new and unusual places; experiencing new things, seeking adventures; taking an interest in parties and meetings for the excitement they provide.

The main personal value in prison is pragmatism (practical mindedness). Preoccupation for one's own material assets and care for the goods one possesses is of paramount importance. The desire to earn and preserve material possessions doesn't however bring inmates closer to the protestant philosophy of spiritual salvation through earthly success. Prisons are theft societies where goods are stolen and taken away and people are forced into indentured servitude. Valuing material goods is a reflection not of a "capitalist spirit" or Calvinist ethic, as described by Max Weber, but a recognition of importance of material goods in conditions of scarcity. Even the staff members value pragmatism highly; after all, penitentiary jobs are relatively well paid and stable and prison graft an important revenue stream.

Variety is the second most important personal value, justified by the desire to break the monotony of prison life."[130] Achievement is strongly associated with variety and it follows it in importance. It is more important for women than for men and for inmates who come from villages and who have a lower level of education. The desire to do something important, to lift themselves up from their low social status is also prevalent among the young prisoners and among those with higher education.

Decisiveness is a value that varies according to social category. "The slicks" and a large number of guards rank it first place, while "suckers" coming from the rural environment and the clergy staffers rank it last. Firm convictions and quick decisions are appreciated by those at the top of hierarchies, who rule the cells with an iron fist, while flattering their superiors.

Orderliness is significantly more appreciated by women than by men, by married inmates, and by those over 30.

Goal orientation, which is a top scoring value in the general population, is the lowest ranked personal value in prison. Almost everyone considers their days in prison as meaningless and with no purpose. The impossibility of achieving anything of any consequence leads to generalized resignation. As Soljenitsin put it: "The strongest chain [in prison] is general despair, complete resignation toward one's condition of slave... The lack of any future in sight closes them all in a shell, from which they hope – sometimes in vain – to come out alive and well one day."[131]

[130] Bruno Ştefan – Minorii în detenţie (Minors in detention), graduation paper presented at the University of Bucharest, 1993, p. 69

[131] Aleksandr Soljeniţîn – op.cit. p. 346

Final and instrumental values in prison society

In several studies I have also explored the distribution of final and instrumental values in the prison population. I utilized Milton Rokeach's final and instrumental values typology.[132] Final values represent major philosophical objectives, which give the individual a reason to be. They have a moral significance attached to them: happiness, freedom, pleasure, or peace. Instrumental values justify daily ideas and actions. They also allude to social recognition: courage, politeness, honesty, ambition, or self-control.

Applying the "Final Values Questionnaire" to the groups of prisoners mentioned above[133] revealed that their main values are: 1) belonging to a united, harmonious family; 2) happiness, life full of satisfaction; 3) love and sentimental satisfaction; 4) respect for myself, dignity; 5) wisdom, mature understanding of life; 6) real and profound friendships.

All prisoners considered family as the most important value, derived from its role as main source of affection. This is easily understandable given the prisoners' social deprivation and the „law of the jungle" in which they live. Connection with family members by letters and visits ensure a strong moral support. The family gives them confidence in themselves.

The importance of happiness, satisfaction / contentment, love, or friendships can be explained in terms of their affective implications. They reflect that thing which the prisoners miss the most. In terms of fine distinctions, "love and sentimental achievement" seem to be more appreciated by thieves. This can be explained in view of the fact that they

[132] Milton Rokeach, Understanding Human Values. 2000, New York: Simon and Schuster.

[133] I applied the questionnaire in three prisons in 1997 and in two in 2000, using sampes of 115 to 150 prisoners / prison. The research was conducted in collaboration with Pavel Popescu Neveanu and was carried out with the support of the students enrolled at the Faculty of Psychology of the "Titu Maiorescu" Independent University. The study was financed by the Soros Foundation for an Open Society. Many employees refused to fill out the questionnaires, which makes comparison with the prisoner population difficult. There were no major differences between the 1997 and the 2000 results. An extensive report ("Orientări valorice în mediul penitenciar") on this study was published in 2000.

are better socialized. The value "happiness and life full of satisfaction" ranks second across all categories of prisoners.

Wisdom ranks fifth across the board, being less strongly appreciated by rapists and murders, and more appreciated by the thieves. It might be that the thieves, who in their craft need to follow a certain plan of action and specific methods, have gotten a better chance to appreciate the importance of wisdom while plying their trade. Dignity ranked fourth while real and profound friendships sixth. It is worth noting that the value less appreciated by the prisoners is tumult, having an uncertain and dangerous life.

Other values ranked low were: 19) self certainty, psychic certainty, self protection; 18) professional value, the certainty of doing one's job well; 17) repenting or saving one's soul; 16) closeness to nature and art; 15) humanity, helping the young and helpless.

The prisoners manifested disinterest toward professionalism, ranking it eighteenth probably as an attempt to reject their categorization as professional criminals. However, the murders did not seem to have this compunction, since they ranked professionalism rather high. Also low are ranked repenting or saving one's soul (rank 17) and displaying a humanitarian spirit (rank 15).

A life full of pleasure and fun occupies a medium position in the hierarchy, but this value is totally devoid of interest for murderers (rank 20). A comfortable life is appreciated a lot less by the murderers, as opposed to rapists and thieves. Independence, the possibility to decide for oneself, seems to be more highly valued by rapists.

The instrumental values that the prisoners placed at the top of their lists were: 1. Honesty, sincerity, love for truth; 2. Self control, self discipline; 3. External cleanliness, tidiness; 4. Love; affection, tenderness, sensitivity; 5. Good mood, lightheartedness, cheerfulness; 6. Helpfulness, comradeship, group spirit., with the first three usually ranked consistently higher.

Instrumental values are an indicator of conduct. We notice that prisoners opt for an honest, sincere conduct, with a focus on self control and discipline, while their exterior aspect is not neglected either. Love and affection are differently appreciated by the three categories of prisoners: thieves (rank 3), murders (rank 10), rapists (rank 17), while a good disposition is a little valued by murderers less than the others types of prisoners. Helpfulness and comradeship also constitute an important factor in the prisoners' conduct.

The less appreciated values refer especially to conduct that is oriented toward others: understanding people and educating them, communication. Equally unappreciated is professional capacity and competence (rank 18). Imagination is little valued due to its practical uselessness, taking into account that most prisoners have a high degree of pragmatism.

Murders embrace faith and religion (rank 3); wide range of knowledge, an open and receptive mind (rank 4); politeness, use of manners (rank 5); intelligence, sharp mind, logical thinking (rank 6)

Politeness is more valued by murderers than by thieves and rapists, although an almost similar value (obedience, respect) is less appreciated by them (rank 16). Murderers reject obedience at a higher rate (41%) than thieves (22%) and rapists (14%). Courage (rank 19) is another and surprisingly value rejected value by the murderers.

In the case of rapists, we notice a higher appreciation of two apparently opposed values: obedience (rank 6), courage, and daring to sustain one's point of view (rank 3), respectively.

The systems of values and formal and informal norms

Cultural values are typically grouped into axiological systems[134]. This doesn't mean that they are unchangeable, since they are subject to situational pressure, interpretation, and change. So far we have analyzed those cultural elements that are more likely to survive in time. But this resistance is no guarantee for their persistence in the future.

Values are ordered into systems that vary from one social group to another and even from one individual to another. They are embedded in a life philosophy that is a cognitive construction and more importantly, that is related to a system of norms. What is believed ought to be related to what is done even if at the end of a long chain of interactions. In the end, values convert into norms. N**orms indicate an accepted standard or a model for behavior**. Sociologists consider values irrelevant unless they are associated to norms. What differentiates norms (rules) from opinions is the implication of sanction. Values therefore have a definite function in any institution, and norms translate this function into behavior. Norms remove or attenuate conflicts born out of living together in groups. They may have a compulsory character (judicial norm), or only a constrictive one (moral norm).

The penitentiaries studied for this volume presented three types of norms [135]:

organizational – regarding the functioning mechanism of the institution (the laws regulating executing the sentences);

actional – indicating the rules for "correct" assessment of daily situations and events with the prison society;

relational – concerning the prisoner-to-prisoner, prisoner-to-group of prisoners, prisoners-to-staff relationships.

These norms have different functions:

they express and promote the functional requirements of the system: discipline, control, etc.

---

[134] Petre Iluţ – Structurile axiologice (Axiological Structures), Ed. Didactică şi Pedagogică, Bucharest, 1995, p. 67

[135] Gheorghe Florian – Psihologie penitenciară (Penitentiary Psychology), Oscar Print, Bucharest, 2001, p. 50

express in an actional form the accumulated knowledge on punishment

facilitate decisions

organize control

create consensus and reduce incertitude

For Talcott Parsons, norms are statements regarding what an individual has to do when they want to conform. For Erving Goffman, norms are perceptions of actions that lead to validating an identity. People conform to them to prove to themselves and to others that they are a certain type of person. Although they do not believe in their own value, prisoners obey rules to show the others that they are people who know how to respect official prescriptions, that they are in effect normal people.

When official norms are strongly restrictive and punitive, thus unenforceable, informal norms naturally appear. In prisons, they express the generalization of the experience acquired by prisoners and staff, and their aim is to make bearable living and working conditions. Informal norms are defense mechanism, they give reasons not to feel guilty (they remove the remorse for the crimes committed outside the prison walls). They also exploit the penitentiary system, aiming to obtain privileges or to weaken control and coercive actions.

Informal norms favor recidivists or certain categories of the staff. They support informal power structures and hierarchies, which the new prisoner needs to adapt to, while also adapting to the formal norms. Their disregard attracts often violent sanctions, which is why obedience is automatic, not out of conviction or interest.[136]

Informal norms are related to official ones, which they complete, avoid, or attenuate. Their existence is often denied by the officials, which denotes a certain institutional deafness or a degree of false naïveté that allows for authorities to ignore the needs of their subordinates and prisoners.

Informal norms are rooted in myths and beliefs. They imply interaction. They are the product of social relations based on certain symbols, rituals, heroes, and values. Norms depend on the local culture. Although Romanian society has rejected in 1989 the authoritarian, militaristic, and violent ways and norms, any visitor to a Romanian

[136] Ludwig Fleck – "The Genesis and Development of a Scientific Fact," University of Chicago Press, Chicago, 1979, in Mary Douglas – Cum gândesc instituțiile (How Institutions Think), Polirom, Iași, 2002, p. 29

penitentiary may easily notice the persistence of these old ways of doing things. Individuals do not subscribe to them out of conviction or some inner need, but because they find them as working models when entering prison life. The power of informal norms transforms the individuals involved in the penitentiary system into passive spectators, imposing on them blind submission and a state of expectation until they are released, promoted, or transferred.

Although collaboration between staff members and the prisoners is desirable, informal sanctions that accompany any sign of "blabbing" prevent the prisoners from getting too close to the staff, just as the interdiction of befriending prisoners limits collaboration from the other side. Living under the watchful eyes of others, each individual is subjected to evaluation that varies from hatred to admiration, from disgust to indifference.

The framework within which norms emerge is circumscribed by a number of noxious parameters: filthy buildings, promiscuity and forced over-population, arbitrariness and inequality, humiliation and personal degradation, the slowness of the justice system, lack of external checks and balances, suspicion, emphasis on security imperatives to the detriment of human development. Although the structure of penitentiary population is radically different from that of 20 years ago, and it continues to change as an increasing number of drug addicts, sexual delinquents, and tax avoiders is constantly added to the mix, the framework of norms guiding life in penitentiary institutions continues to be rather similar to the one in the Communist prisons.

According to Muzafer Sherif, informal norms appear when people interact in fluid situations.[137] Their evolution is related to emergence of group consensus. They represent standards or scales consisting of categories that define acceptable behavior and attitudes for certain social groups, but unrecognized officially. In institutions (societies) with a high level of authoritarianism, formal and informal norms change more slowly, and arbitrariness rules, while in non-authoritarian institutions norms deteriorate more quickly, because individuals tend to adapt them to what they consider "natural norms."

[137] Muzafer Sherif – The psychology of social norms, Harper & Row, New York, 1966, quoted by Ştefan Boncu – Psihologia influenţei sociale (The Psychology of Social Influence), Polirom, Iaşi, 2002

The strength of informal norms requires the official complicity of authorities." [138] Abusing sanctions generates defensive behaviors, which will limit the efficiency of official norms and which creates tensions and conflicts between the instances that apply them. The contradictory character of value-normative systems transfers the public focus of attention from solving problems to respecting norms. This generates a series of specific social pathologies: rigidity, narrowness of cognitive and moral field, limitation of thought and action, predilection for "combinations," illegal arrangements, and corruption. This is, in the end, deleterious to reforming the penitentiary system, which has the continuous tendency to evade external control systems and to invent its own norms and rules.

[138] Robert C. Jacobs, Donald T. Campbell – "The perpetuation of arbitrary tradition through several generations of a laboratory microculture," 1961, in John Rundell and Stephen Mennell – Classical Readings on Culture and Civilization, London and New York, Routledge, 1998, p. 655.

DIMENSIONS OF PENITENTIARY CIVILIZATION

Penitentiary Population

Number of prisoners and rate of imprisonment

In June 2005 there were 38,805 individuals deprived of freedom in Romanian prisons. After December 1989, the penitentiary population varied from 38,805 to 52,047 people. This places Romania within a post-communist judicial pattern. The rate of imprisonment of over 200 prisoners per 100,000 inhabitants places Romania after the Russian Federation, Ukraine, Estonia, Latvia, Moldova, Lithuania and Poland and ahead of Azerbaijan, Hungary, The Czech Republic, Slovakia and Georgia – with a lower level of incarceration. By comparison, countries such as Iceland, Cyprus, Lichtenstein, Slovenia, Croatia, Norway, Finland, Denmark, Ireland, Malta and Switzerland – have imprisonment rates of 38 to 70 prisoners per 100,000 inhabitants, 3 to 6 times less than Romania. Usually, the larger Western-European countries (France, Germany, Italy, Great Britain) have average detention rates somewhere around 100 prisoners per 100,000 inhabitants.

Although constantly criticized by the EU, the post-communist judicial model proves to be incredibly resistant. Despite the safeguarding clause that allows for the delay or even cancellation of Romania's accession to the EU, which clearly stipulates the necessity to democratize the penitentiary system, Romania is still dragging its feet. The prison officials praise themselves for having the highest performing team of Romanian public managers, while blaming everyone else, including the prison population, who would have the most to gain from the reform, for dragging its feet.[139]

[139] Ana Bălan – "Sistemul penitenciar din România. Realități și perspective în procesul de aderare la Uniunea Europeană" ("The Romanian Penitentiary Sysytem. Facts

Deflating prison population is not just a question of penal reform, it is closely related to democratization. Pierre V. Tournier proved[140] that penitentiary deflation is an important indicator for democratic reform in a justice system. Since imprisonment is an expensive process, penitentiary inflation reflects the authorities' lack of respect for public money. It also indicates that the country is willing to use arbitrary power to severely sanction even minor crimes. Romania is also lagging behind in terms of legal reform. The Romanian criminal code and criminal procedure is antiquated and in great need of reform. Despite recent progress, it is still not up to the European standards.

A final note: the high imprisonment rate is not due to the fact that Romanians ignore laws more than western Europeans, but to the absence of alternative systems of punishment. This inflexibility strains the penitentiary and the criminal justice systems and ultimately weakens civil society.

---

and Perspectives in the Process of Accession to the European Union"), in Universul carceral (The Penitentiary Universe), coordinators Emilian Stănişor, Ana Bălan and Cristina Pripp, Oscar Print, Bucharest, 2004, p. 232.

[140] Pierre V. Tournier – "Prisons Immuables?," in Notre Justice, Soulez Lariviere D. Dalle H. Eds., Editions Robert Laffon, 2002, p. 314-328

Demographic facts about the prison population of Romania

Of the total number of prisoners, 4.47% are women. Although the number of women prisoners has been relatively constant over the past years (around 2,000), their percentage tends to be similar to that of EU countries: 5%. During the first years after 1989, this percentage was below 2.5%, placing Romania among the countries with a punitive justice aimed mostly at men. Feminine incarceration in Romania will probably remain constant, in absolute terms, in the following years – about 2,000 imprisoned women – which, given the tendency for lower incarceration rates, will account for about 7-8% of the total number of prisoners.

In 2005 the percentage of underage prisoners was 2%. Compared to 1991 and 1992, when there were over 5,500 minors in detention, the decrease to 850 in 2005 is significant, although the percentage of arrested minors is still high by comparison to western European countries where minor prison population hovers around 0,5%. This decrease is not only due to the smaller number of crimes committed by minors, but the employment of alternative punishments. The pressure applied especially by NGOs, researchers outside the system, and international fora forced Romania to abolish the special working and re-education schools for minors. This has been done by eliminating criminal punishments for minor crimes. Over 50% of the minors sentenced between 1991-1993 were condemned to serve over 2 years for thefts worth less than 100 dollars[141].

Several re-education Centers (in Tg. Ocna, Găieşti, Buziaş) and penitentiaries for minors and youth (in Tichileşti and Craiova) have been created. However, many teenagers are still imprisoned in various penitentiaries for adults, often in separate cells, but also sharing a room with adults. If the re-education centers underwent visible improvement of housing and schooling conditions, penitentiaries where over 75% of the minors are imprisoned are in a state of advanced disrepair. Cells for temporary arrested minors at Rahova penitentiary (one of the newest

[141] Bruno Ştefan – Minorii în detenţie (Minors in detention), graduation paper presented at the University of Bucharest in 1993.

and most modern prisons in the country) are the worst in the entire prison: no toilet doors, unpainted walls, broken windows and ruined carpentry, rotten mattresses, crowded cells. Although they are supposedly innocent or not yet convicted, these minors are subjected to the most drastic detention conditions and were, at the time of this writing, in 2004-05, not included in any re-education program.

Minors are much more likely to be arrested and sentenced for theft and robbery (over 80%), while murders and rapes are not that frequent. Underage crimes are unpremeditated and committed under the influence of alcohol or drugs. The rate of juvenile prostitution is up and so are other sexual crimes (sexual abuse, harassment, sexual exploitation of children, production of pornographic materials).

After 1990, juvenile delinquency was more and more present in the Romanian press, and, therefore, in the public's attention. Public attention negatively influenced the judicial process. The press, mostly interested in the sensationalistic aspects of the crime, demonized the perpetrators, and sanctified the victims often overlooking real motivation, accomplices, offender age, etc. Juvenile trials were very strict, especially right after 1989, sending teenagers to prison for minor misdemeanors, with no alternatives. The effect was high repeated offense rates. After beginning negotiations for joining the EU, Romanian authorities understood that educational and clinical imperatives have to prevail and minor detention conditions have improved.

Some minor reeducation centers have now rooms with 3 or 4 beds, gyms, theatres, modern schools, educational, therapeutic, and social rehabilitation programs. The values on which these institutions are based start from the idea that crimes were committed not due to innate criminal instincts but due to immaturity, vulnerability to negative influence, and other social factors.

Romania, like many other communist countries, is stingy with detailed prison related data. The reason is the above mentioned secrecy obsession, fueled by resistance to change. Yet, some important data have more recently transpired and they depict a shocking picture of the Romanian prison population.

A first aspect regards **the level of schooling** of the prisoners. According to Romanian authorities[142], 8% are illiterate while 17% have elementary, 46% middle, and 15% vocational school education. 12% of

[142] Emilian Stănișor, Ana Bălan, Cristina Pripp – Universul carceral (The Penitentiary Universe), Oscar Print, Bucharest, 2004, p. 222

prisoners have a high school and only 1% a college degree. Prisoners are heavily recruited from the lower educational and income classes, a clear sign of social bias, despite the fact that Romania, one of the most corrupt countries in Europe, is affected by white collar and Internet crime at record rates.

A second aspect not highlighted by statistics is the one concerning the **ethnic background** of the prisoners. It is well-known that gypsies are over-represented in the prison population, although statistics are hard to come by. A study by Cristian Lazăr and Ioan Durnescu[143] showed that gypsies are heavily overrepresented in the minor prisoner population. While 51,2% of minor prisoners are Romanians, 39,5% are gypsies and 9,3% other nationalities (Hungarians, Lippovans, Turks, etc.). Gypsies are, depending on the source, less than 10% of Romania's population. The explanation, according to the authors is that "the courts consider that gypsy families do not constitute a safe and favorable environment for the social reintegration of the gypsy minor" and are more likely to lock them away.

[143] Cristian Lazăr, Ioan Durnescu – "Identificarea proporţiei şi caracteristicilor socio-culturale ale populaţiei de rromi din penitenciarele româneşti" ("Identifying the Proportion and Socio-Cultural Features of the Gypsy Population in Romanian Penitentiaries"), in Revista de ştiinţă penitenciară (The Journal of Penitentiary Science), no. 1-2 / 2000, p. 72-84

The legal status of prisoners

According to Aebi[144] the legal status of prisoners is an important indicator for evaluating the degree of freedom, democratization and civility in a nation. Penal systems and nations are considered to be repressive if they have a high percentage of temporary arrested people. These are typically individuals that are kept in custody without a definitive conviction or if convicted are waiting for an appeal also under arrest. This is illustrated by the case of the woman who was temporarily arrested for three years for the unsuccessful attempt of stealing a golden bracelet from a tourist. She was ultimately released, under European pressure, but not before being convicted to a longer period than the one she had already spent in jail, so that the state authorities wouldn't have to pay damages for unlawful imprisonment.

In June 2004, the National Penitentiary Administration (DGP) reported that Romania has about 3,000 temporary prisoners and just as many waiting for an appeal, which means that 15% of the total number of prisoners do not have a clear and definitive legal situation, and therefore are presumably innocent. This percentage significantly dropped over the last years, from 35% in 1999, to 23% in 2002 and 15% in 2004, getting closer to the Anglo-Saxon European countries (Austria, Denmark, Germany, Great Britain) and ahead of countries such as France, Italy, Turkey.

Temporary prisoners live in derelict, overcrowded cells and due to their undetermined situation are excluded from any educational or recreational activities. Many of the cells for temporary prisoners are not even painted and lack basic amenities. Hot water needed for cooking and washing is generated with two live electric wires dipped in the pot and clothes are hung to dry on ropes tied between the beds. When the door of the cell opens, visitors are met by a wave of thick smoke, fetid smells of disease and infection, rotten food, and humid clothes. Light and air

[144] Marcelo F. Aebi – "SPACE I – Statistique penale annuelle du Conseil de l`Europe," 2003, see also http://www.coe.int/T/F/affaires_juridiques/coop%E9ration_juridique/Emprisonnement_et_alternatives/Statistiques_SPACE_I/pc-cp%20_2004_%206rev%20-%20f%20_SPACE%20I%202003_.pdf

hardly find their way into these cells. The toilet door is often open or missing, and the faucets constantly dripping.

The primitive detention conditions which not yet convicted prisoners are forced to accept are the product of a totalitarian vision. According to it, people charged with a crime are inevitably guilty and thus release on bail or on one's own recognizance only gives them the opportunity to find subterfuges to escape punishment and thus should be extremely rare. This vision ignores the presumption of innocence and makes a mockery of fundamental human rights. This explains the recent scandals related to the pre-trial imprisonment of some influent and rich people (especially Dinu Patriciu, but also Corneliu Iacobov, Dumitru Sechelariu) who brought to public attention the inhuman detention conditions of Romanian jails. Ever since 1977, sociologist Nicolas Herpin proved[145] that in the case of equal crimes, a presumably innocent man representing himself at a court hearing is seldom convicted or he receives a smaller punishment than a temporary prisoner who is already in jail.

Accepting release on bail until the case is definitely settled would solve the problem of overcrowding and it would be in agreement with many of the basic principles of a humanitarian legal system. Adopting the American system, where a significant monetary bail is forfeited if the indicted person does not appear in court, would supplement the meager funds of the Department of Justice or that of the National Penitentiary Administration and would reduce expenditure for imprisonment. On the other hand, the creation of temporary imprisonment units in every county, also according to the Anglo-Saxon model, would not only be in agreement with the European Union law but would create more humane temporary incarceration conditions.

Cutting the number of temporary prisoners is the most effective and easiest to implement measure for reforming the Romanian penitentiary system. This is still to be accomplished.

[145] Nicolas Herpin – L`Application de la loi: deux poids, deux mesures, Ed. Seuil, Paris, 1977

Prison population distribution by types of crime

Theft. Romania's prison population is dominated by thieves (43% thieves and 17% burglars), while France's by rapists (23%). Is there a predilection in Romania for theft and in France for rape? Over the past several years, the international press frequently reported cases of thief involving Romanians. "Romanians are thieves," the cliché goes, and not only in Western Europe, but in Romania, as well.

Yet, in the '70s, France and Italy used to have the same high percentage (about 60%) of thieves in prisons, while now these are only 17% of their prison populations. The drop in numbers was due to changes in the legal attitude toward these crimes, considered now as minor. Other types of punishment were preferred instead of imprisonment: community service, probation, or a series of more diffuse sanctions with an impact on the moral structure of the individual.

From this point of view, if we consider the distribution of prisoners according to crimes, we notice that Romania follows a post-communist pattern, where the percentage of prisoners convicted of theft is high: Slovakia 61%, The Czech Republic 61%, Lithuania 58%, Moldova 57%, Latvia 53%, Bulgaria 53%, Estonia 52%, Hungary 50%. In a typical Western European nation only about 20-25% of prisoners were convicted of theft, while taking into account that the same countries also have a low rate of imprisonment.

What is more disturbing is that Eastern European prison administrations are proud of their high rates of incarceration for theft or everything else, for that matter, as a sign of decisiveness in protecting society against wrongdoers. Yet, the problem of robbery and theft has to be understood beyond rhetoric and within a larger, continental context. In the more developed European countries there is theft is dominated by larceny and shoplifting, whereas in less developed European countries burglaries and robberies are more frequent. In other words, westerners are tempted to steal when the goods are displayed, whereas easterners are tempted to steal when the goods are hidden, and sometimes only suspected to exist. Westerners steal goods from public spaces, especially consumer goods, whereas easterners steal goods from private spaces. Westerners steal new things, especially common use goods that can be quickly resold, whereas easterners steal old things, with a certain

sentimental value, that would rather be sold at flea markets. The difference, therefore, is one of economic development. This is why there are well-founded fears that as soon as easterners are accepted in the EU, private, family spaces, so little disturbed by western thieves, will become endangered. Hervé Vieillard-Baron illustrates the wave of Western paranoia in these harsh and hyperbolic words "brutality is what really marks their social relations.... their reactions are often extremely impulsive... life doesn't seem to be worth much for them, death is more and more threatening for the local people.... They steal without caring, they are happy with less, not touching artistic values... They are dirty, have minimal needs, their subsistence is precarious, and alcohol is a dangerous stimulant most of the times."[146]

There is, however, something in the prevalence of theft and convictions for theft in Eastern Europe that is specific to the post communist legal systems. Traditionally, these judicial systems have sanctioned ordinary theft more than anything else because "the law enforcement process ... works in such a way as to hide the crimes of the strong against the weak, but also to highlight and exaggerate the crimes of the weak against everyone else"[147]. It's obvious that the resources assigned by the police for investigating violent crimes or minor thefts – both committed by those belonging to disadvantaged social categories – are much greater than those available for investigating crimes committed by those from upper social classes, such as tax evasion, corruption and embezzlement, which are the major and most pressing scourges of post communism. The punishments for those convicted for white collar crimes are much gentler than those for petty theft. Despite the fact that Romania is highest ranked in the world when it comes to Internet crime, before 2005 it did not have more than 10 people at one time arrested for cybercrime. Although Romania claims to have started fighting against electronic theft, it didn't manage to reduce it by any significant amount.

Besides the fact that cybercrime is a white collar offense, which is treated more leniently, the lack of vigor with which Internet crime is prosecuted in Eastern Europe could also be related to the murky relationship between the crime world and the former secret police

[146] Hervé Vieillard-Baron – Les banlieues: Des singularités françaises au réalités mondiales, Ed. Hachette, Paris, 2001, p. 87

[147] Steven Box – Power, Crime and Mystification, Routledge and Kegan Paul, London, 1983

employees. Rumors have circulated for years that some Eastern European secret services, or freelance agents formerly associated with these organizations, have been employing Internet scam artists for generating income and for espionage. (It is worth noting that in most Eastern countries, such as Bulgaria, Moldova, Ukraine and Russia, Internet thefts are in fact included into the category of espionage, thus turning into an area of expertise for the secret services).

The situation is similar in the case of intellectual property theft, where Romania, among the worst offenders in Europe, has never convicted anyone for piracy. For 7 years after the fall of communism, the Romanian parliament refused to adopt a new copyright law and 7 more years had to pass until the law came into force. Only in the last few years did the public broadcasters start paying royalties. In the meanwhile ,creative professionals lost over 1 billion dollars in denied royalties, according to CREDIDAM estimations.[148]

As for tax evasion, this is typically punished when the culprit upsets the authorities. Such cases are proudly presented on TV as a sign of successful fight against corruption; in fact, the sanctions are very gentle. The case of Gabriel Bivolaru, a wheeler-dealer politician, is notorious, having been convicted to 5 years in prison for having stolen millions of euro, while the same punishment was given to hundreds or even thousands of people caught stealing a mobile phone or a TV set. It is also well-known the fact that many other individuals related to those in power were granted a NUP (Neînceperea Urmăririi Penale – Exempt from Penal Investigation) or were released without trial, although their files contained evidence for theft of millions of euro. Others, such as the former prime minister Adrian Năstase, have been under investigations for almost several years, with no apparent judicial progress.[149]

Without a doubt, one of the main features of the Romanian legal system is its emphasis on punishing those who attack the property and interests of those in power. Despite the socialist turn of this sentence, it expresses a fundamental fact: prisons are full of individuals belonging to publicly despised social groups, severely convicted for minor thefts, while in a country constantly rated by Transparency International[150] as

[148] The Romanian Center for the Administration of Performers' Rights (CREDIDAM) – Raport de activitate 2004 (2004 Activity Report) Bucharest

[149] Acuzat de luare de mită. Realitatea TV: http://www.realitatea.net/acuzat-de-luare-de-mita_2303.html

[150] In 2008 Romania scored 3.8 on a 10-point scale of corruption, being ranked 70th of 180 nations. See:

one of the most corrupted, white collar crime is rarely if ever investigated or even less, punished. This is one of the reason why none of those imprisoned for lesser crimes considers their punishments fair. "The minor criminals are here. The major ones are free and enjoy public recognition for their virtues," "The major thieves hold the minor ones behind bars," "Prison's for suckers. The wise guys are outside" –are statements that can often be heard in prison.

European penologists estimate that Romania should cut by half the number of prisoners convicted for theft and robbery over the next 5 years, with a maximum number of 10,000 people detained for this type of crime. A significant change should also occur regarding the relative proportion of those imprisoned for white collar versus small theft crimes.

Murder. Romanian has an unenviable record when it comes to murder. 7,000 people are arrested for murder in a typical year, almost twice as many as those arrested in countries with far bigger populations: France (3,400) or Germany (4,500). Romania is being surpassed only by Ukraine (20,000) and by the Russian Federation (105,000). By comparison, in the US almost 20,000 individuals are arrested for murder every year, while the population is 15 times bigger than that of Romania.

There are, however, some signs of improvement. The number of underage detected murders has declined by two-thirds over the last 15 years (from 210 arrested criminals in 1990, to 61 in 2002), as there has been a decline in the number of murder arrests, overall (from 10,000 in 1990 to 7,000 in 2003), their percentage within the total number of prisoners being relatively the same: 20%.

Sociologists have proven for a long time that it is social dislocation and social inequality and not low income that causes high murder rates. Murder rates increase as social cohesion and participation in local organizations decreases and as geographical mobility increases.

In Romania murder is mostly of the anomic kind. Murders are usually committed by a single criminal, without any accomplices, in a state of drunkenness. The victim is typically a familiar person. Victims are often stabbed, with multiple wounds (by comparison, 70% of the victims in the US were killed by gunfire).

Due to long punishments and the fear they generate among other prisoners, murderers benefit from special treatment in jails. Most of

http://www.transparency.org/news_room/in_focus/2008/cpi2008/cpi_2008_table

them are considered dangerous, although how dangerous an individual is in prison usually depends on his behavior toward the other prisoners, and not on the crime committed. Murderers adapt the easiest to the penitentiary environment, due to their resignation with their long sentences. In time, they become disconnected from reality, internal and external, constructing a world of their own. Re-education, at least as practiced in Romania, is rarely a solution for bringing them back to normal life.

Although the number of incarcerated murderers has significantly dropped over the last several years, the common expectation is that after 2010 there will be around 5,500 arrested murderers in the Romanian penitentiary system, the percentage of murders of total prison population being 12-15%.

Rape. Romania has about the same number of incarcerated rapists as Spain, Turkey, or Germany (approximately 2,200), being surpassed by Russia (23,400), France (8,400), Great Britain (5,500) and Ukraine (3,700). In western countries, rape is more frequently brought to the attention of the police. In Eastern Europe rape is less frequently reported due to the stigma associated with it.

Neither are other sexual crimes – incest, sexual harassment, sexual abuse, prostitution, sexual exploitation of children, etc. –brought to court as frequently as they should, despite the fact that prostitution is forbidden in Romania. In fact prostitution flourishes, being practiced in all imaginable forms and in all possible places: parking lots, clubs, gangways, country lanes, abandoned houses, train stations, empty lots, etc.

It is expected that the legalization of prostitution will reduce part of the sexual crimes, but it could also lead to an increase of another category of crimes, especially those related to sexual harassment.

Punishment types and lengths

It is a well-known fact that long sentence terms induce negative changes in the behavior of prisoners, who can no longer be re-integrated into society. Although society wants to be protected for as long as possible from dangerous criminals, keeping them in jail for long periods represents in fact a distinct and even greater danger for society. As early as 250 years ago, Cesare Beccaria pointed out that: "for a punishment not to be a simple act of violence against the citizen it has to be public, prompt, necessary, the mildest of all applicable penalties given the circumstances, proportionate to the crime, and established by law."[151]

In Romania, the most frequently applied punishment is imprisonment for 3 to 5 years: over 35% (13,000 prisoners), followed by that for 5 to 10 years: 24.5% (9,000 prisoners) and that for 1 to 3 years: 20.5% (7,500 prisoners). Those serving from 10 years to life sentences represent 15.5% (5,750 prisoners). Only 4.5% (1,500 prisoners) serve less than 1 year. When comparing these data with those of other European countries, we notice the severity of the Romanian penal system. Punishments of under a month, 3 months, or 6 months do not exist, and those under a year are very rare. The percentage of people convicted to under a year in prison is the lowest in Europe. By comparison, in Germany 44% of the prisoners were imprisoned for less than a year and the situation is similar in the Netherlands, Sweden, France, Finland, Austria, Ireland, Great Britain, etc. Western researchers reached the conclusion that if the individual gets used to the penitentiary environment, his recovery would be much harder. For most crimes (but not for the very serious and dangerous ones), short-term imprisonment of a few months is preferred, followed by other types of punishment that do not involve freedom deprivation.

In the Romanian penal system, even punishments of 1 to 3 years in prison are considered mild and are given three times less frequently than in western countries for similar crimes. Even some of the former communist countries (Bulgaria, the Czech Republic, Hungary, Slovakia)

[151] Cesare Beccaria – Despre delicte şi pedepse (On Crimes and Punishment), Ed. Ştiinţifică, Bucharest, 1965, p. 178

have a higher percentage of prisoners convicted to 1 to 3 years in prison: approximately 38%.

In this respect Romania is similar to The Russian Federation, Azerbaijan, Ukraine, Armenia, and Moldova where punishments between 3 and 10 years are dominant and imprisonment for very short or very long periods is insignificant. Life sentence is rarely used in Romania, although the number of aggravated murders is rather large. As a paradox, justice seems to be gentle with the dangerous criminals, but severe with the petty ones. The severity of the mid-range convictions is opposed to the practice of early release. In Romania, over 75% of the prisoners are released before the end of their punishment. Thus, the mildest possible punishment, that should be a normal act of justice, becomes an act of clemency at the mercy of the judges, who grant it on the basis of reports made by guards, policemen or secret service agents. The latter, in their turn, transform this privilege into a means of getting rich by blackmail and corruption.

Due to severe punishments, leniency has become a commodity. Judges, policemen, politicians and criminals buy and sell favors, exemptions, pardons, and appeals in the open. On the other hand, a whole class of crimes, especially of the white collar and economic kind, remain beyond the reach of the law. Justice in these cases is enforced only when political interests dictate it. The recent arrests of Omar Hayssam, Dinu Patriciu, Corneliu Iacubov or Dumitru Sechelariu, former or still active economic oligarchs, illustrate how the system works. Each of them was indicted, briefly arrested for embezzlement, tax evasion, or corruption only to be released as the political winds have changed.

To conclude, punishment is administered in the spirit, if not by the laws, of the communist regime. The idea is not to sanction crimes, but to use criminals and crime for social control. What the famous thief Vidoq suggested to the police in the time of Napoleon – blackmailing the former prisoners to control the underworld – has turned into a general practice in Romania.

Prison Escapes

Romanian penitentiary administrators are proud of their security record. Romanian penitentiaries are the safest in Europe, they claim. Only one Romanian prisoner escaped in 2001, compared to 38 fugitives in France, 22 in England, 8 in Spain. For what the EU calls "other types of escapes" the record is even more spectacular. Only 27 Romanian prisoners escaped in 2001 compared to: France – 172, England – 1.044, Spain – 34, Denmark – 625, Finland – 395, Norway – 197, Macedonia – 121.[152] Romanian authorities consider the indicator "prisoner escapes" as their main performance criterion and present it with great pride in all studies, debates, and reports.

Their interpretation is, however, biased. There are many countries that didn't have *any* escapes during the same time frame: Albania, Andorra, Azerbaijan, Cyprus, Estonia, Iceland, Latvia, Lithuania, Luxembourg, Lichtenstein, Malta, Montenegro, Slovakia, or Northern Ireland. Other countries also had a single escape over the course of one year, just like Romania: Armenia and the Czech Republic.

What makes Romania proud should in fact be a reason for self-examination. Its low escape rate places Romania next to Ukraine, the Czech Republic, and Slovakia, all former communist states. They all emphasize security measures over re-education programs. Romanian jails have a high security record because they are obsessed with protecting their (old) way of doing things and secrecy. Most post-communist prison administrations do everything possible to hide themselves and their inmates between impenetrable walls and, when possible, technologies. More and more sophisticated weapons, electronic surveillance devices, taller and taller walls, more and more rapid intervention forces, and better paid and better equipped guards have sprouted throughout Eastern Europe. In Romania, the new Rahova and Giurgiu prisons were built according to a Soviet totalitarian concept,

[152] Constantin Bădiţoiu, George Vasilescu, Marius Ştef – "Analiza comparativă a raportului statistic al Consiliului Europei referitor la sistemul penitenciar european" ("Comparative Analysis of the Council of Europe Statistics Report related to the European Penitentiary System"), in Universul carceral (The Penitentiary Universe), coordinators: Emilian Stănişor, Ana Bălan, Cristina Pripp, Oscar Print, Bucharest, 2004, p. 196

which focuses on isolation and control. Communication with the outside world or between prisoners is very difficult. Barred windows and enforced cell doors are complemented by many other doors between hallways, in the cell blocks, or on the staircases. There are barbwire or brick walls between all the buildings, the sports fields, around the walking grounds, and so on. The entire area of a prison is divided into lots by carefully guarded walls. Internal mobility is hindered by many filters, and the main activity of the guards consists of closing and opening gates. Any visit to the medical cabinet, club, library, or offices involves a seemingly infinite number of door locking and unlocking procedures. Immobility is doubled by the generalized "blabbing" system, which infuses the entire prisoner population with suspicion and paranoia.

According to the Romanian Penal Code escape is a crime and the guards are rarely if ever punished. This ensures that the penitentiary system has access to an extra layer of repression, rarely found in democratic countries. It would be desirable that the Romanian penitentiary administration spent more on inmate education and post-release adaptation programs, on schooling, therapy, spiritual counseling than on security. It could also adopt the model used in some western countries of handing over external security to private companies, whose employees have no right to step inside the institutions, but only to catch the potential fugitives. Finally, Romanian jails could do much better if they were not militarized the way are today.

Romanian prisons are also over-guarded because it treats all prisoners the same. The concept of high or maximum security prison has just been rediscovered and despite some timid steps in this direction, prisoners that are not at all dangerous share severe detention conditions with truly dangerous inmates. This further increases the tension and dissatisfaction in jails and only justifies more security measures.

It is obvious that the exaggerated security measures used in Romania are dictated not by how dangerous the prisoners are, but by the authorities' vision of punishment. Investments in security protect not the society from the prisoners, but the authorities from public opinion scrutiny. Just as it happens in many militarized institutions that need reform – the army, secret services, the police – a significant amount of the money received is spent on security measures that hide in certain situations incompetence, corruption, and a general inability to achieve the purposes for which they are paid from the public funds.

Suicides and deaths

Most criminologists agree that violence in penitentiaries, aimed at one's own or somebody else's body, is an inevitable reaction to a oppressive regime[153], and that there is in fact an institutional pathology at work: prolonged detention in harsh conditions, almost always considered unfair, leads to serious psychological turmoil and in certain conditions to suicide. Sharing a limited space with other people with no respite encourages violence, since emotions pass easily from one person to another. In a Romanian jail section with 100 prisoners, there could be more than 500 violent actions over one year: beatings, mutilations, barricading, hunger strikes, suicide, and murders, as one guard confessed to me in an interview.

However, the relationship between jail conditions and suicide and violence is not linear, especially in Eastern Europe. For example, in 2001[154] Romania had only 118 jail deaths, of which 4 suicides, at a rate of 23 deaths per 10,000 prisoners. This indicates fewer deaths and suicides than France (244 deaths, of which 122 suicides), Great Britain (166 - 94), Germany (162 - 71), Italy (160 - 52), Spain (152 - 24), all with considerably larger prison populations.

A possible explanation could be[155] that the vast network of complicities and corruption, doubled by overcrowding and close control, keep the Romanian inmates in a tight bondage of visible and invisible social and normative ties. Romanian inmates are rarely alone, physically or mentally, thus the opportunity for suicide is rarer than that of the more isolating, individualistic, aseptic jail environments of the West. It is an irony, in fact, that a system that functions at the limit of morality and

[153] P. Scratton, J. Sim, P. Skidmore – Prisons Under Protest, Milton Keynes, Open University Press, 1991, p. 17, see also http://www.csc-scc.gc.ca/text/pblct/forum/e043/e043k_f.shtml

[154] Constantin Bădiţoiu, George Vasilescu, Marius Ştef – "Analiza comparativă a raportului statistic al Consiliului Europei referitor la sistemul penitenciar european" ("Comparative Analysis of the Council of Europe Statistics Report related to the European Penitentiary System"), in Universul carceral (The Penitentiary Universe), coordinators: Emilian Stănişor, Ana Bălan, Cristina Pripp, Oscar Print, Bucharest, 2004, p. 196

[155] C. Wichmann, R. Serin, J. Abracen – Les délinquantes ayant un comportement d'autodestruction : une enquête comparative, Rapport de recherche R-123, Ottawa, ON, Service Correctionnel du Canada, 2002.

lawfulness, can have such unexpected positive effects. Furthermore, in Romanian penitentiaries guards and heads of departments are severely sanctioned, fired or, even worse, convicted for repeated suicides or violent crimes committed under their watch. To prevent such acts, guards create several informer networks, which lead to quick isolation of violent individuals manifesting tendencies of escape, suicide or mutiny.

A desideratum remains however unfulfilled. Detailed public reports on all suicides and violent deaths in Romanian jails are rare and secret. For now, such reports are publicly issued only by NGOs, especially APADOR-CH. The refusal of the authorities to explain to the family and to the public the real causes that led to the death of each prisoner denotes a lack of understanding of the fact that prisoners have human rights as well.

Penitentiary staff

In September 2004, the National Penitentiary Administration reported an employed staff of 12,688, 6,500 of which were guards and the rest administrative staff, a 1 to 3 ratio. This ratio is ignored when Romanian authorities complain of the fact that the guard-prisoner ratio is too high (1 to 6). The more telling fact is that the Romanian penitentiary system is one of the most bureaucratic in Europe, whose administration staff is almost three times as large as that of far larger Western European prison systems.

The staffing issue is however common in the rest of Europe, as well. As French and European documents indicate, there is chronic guard shortage throughout Europe. This is related to issues of lifestyle, pay, and prestige. "It is impossible to improve penitentiary conditions if we do not improve the conditions of the staff at the same time. The employees live in harsh conditions and work in a society that doesn't acknowledge their merits"[156]. "Everyone knows that we cannot reform anything in prisons if we don't have the penitentiary staff on our side... All reforms have to take into account the necessity to increase the number of penitentiary workers."[157] Although the rate of prisoners per supervisor is 2.3 in France, the Senate Commission for Prisons[158] declared that "penitentiary establishments are chronically understaffed."

For Romania, a number of facts need to be made clear before engaging any discussions about understaffing. In the last years, the staff has increased numerically at a higher rate than the decrease in the number of prisoners, just as the staff benefits have increased. There is, after all, a penitentiary staffer for every three prisoners, who receives the equivalent of three average wages per economy, with supplementary and substantial benefits consisting in food, clothes, shelter, vacations, permanent medical care, continuing education. To this should be added

[156] Robert Banditer – Rapport de la Commission de l`enquête parlementaire sur la situation dans les prison francaises, available on the website: http://www.reseauvoltaire.net/article8279.html

[157] Ivan Zakine, the European Committee representative for the Prevention of Torture – Rapport ..., available on the website mentioned above.

[158] Jean Jacques Hyest, Guy-Pierre Cabanel – Prison: un humiliation pour la République, Report of the Senate in France, see also http://www.senat.fr/rap/l99-449/l99-449.html

the many benefits the employee obtains through graft and embezzlement.

The structure of the penitentiary staff has undergone radical changes, especially after 2001. Central administration and socio-medical staff numbers have increased. There has been a significant feminization of the staff. Hiring of existing staff wives and marriages among employees have been encouraged in order to reduce employees' dissatisfaction. This has brought some stability to the prison human resources. Women change jobs less easily, are more compliant, and follow official rules more scrupulously, can handle conflicts better and are more adept at reducing the tensions that appear in prisoner communities.

Yet, the massive employment wave, of all types of employees, not just female, also brought poorly qualified staff into the system. Civil employees with university degrees (psychologists, sociologists, social assistants, doctors, lawyers) came especially from private universities of questionable quality and with the intermediation of nepotistic networks of current employees.

This can be explained in part by the challenge of hiring competent prison personnel, which is a common European issue. Patrick Mounaud, the director of ENAP (Ecole Nationale d'Administration Pénitentiaire), France declared to the French Senate investigation Commission: "most of the guards have no calling for the work they are doing... Poverty, the low requirements of the admission test and the people they knew brought them here... Let's be realistic: even a child could pass the admission test"[159].

It's obvious that we can't talk about vocation or calling for jail employees; no parent raises his child to see him work in jail. Job jails are considered appropriate for soldiers with discipline problems and for the losers of other civil service units. Those with a calling for working with prisoners (especially priests, psychologists, sociologists, and social workers) are usually marginalized or even excluded from the system, which is dominated by those who know how to obey orders, not to follow their inner calling.

Once recruited, the staff needs to be managed. Here, again, there are numerous problems. There is poor communication between the central administration and the jails (the information goes only one way) and

[159] Quoted from the Report of the Senate in France mentioned in the previous footnote.

even poorer lateral communication, between prisons. Then, there is a disproportion between objectives and means. The mission of jail personnel is to successfully reintegrate prisoners in society and to ensure the best possible conditions of imprisonment. This is poorly served by ineffective training, uneven distribution of resources, and lack of a strategic vision. Finally, jail work is hampered by absence of communication with outside specialists (in the name of ensuring the confidentiality and security of prison work) and all sorts of rivalry. Any specialist from the outside is regarded as an enemy sent to disturb a mechanism that those inside either haven't yet managed to set in order or seems to work perfectly well without them. The success that sometimes can be found it the jails, also remains hidden from the public view.

To these problems should be added the fact that Romania's penitentiary system has yet ceased being a para-military organization. Run by police officers organized in military units and ranked according to the military system until quite recently, Romanian jails have been very, very slowly and incompletely turned to civilian control. The new law 293/2004 that regulates the status of the jail personnel is still ambiguous since it doesn't exclude military privileges and a ranking system that follows the military model in all respects but the names of the ranks.

A reform of the penitentiary system implies a radical change in the structure and composition of the staff. Opening toward the community will entail a re-valuing of the employees' work. The development of team work and the encouragement of communication with the outside world will be inevitable. The larger number of external and independent control organizations will force adopting new professional standards.

Money allocation is also important; the greater the budgetary effort, the greater the interest in a more efficient management of public money. It is expected that over the next five years the number of employees will rise by over 30%, to more than 15,000 people, for a prison population of at most 30,000 prisoners. A good portion of the new employees can be directed toward supervising prisoner work programs, such that in a few years 30% of the staffers would be employed by prisons workshops that would produce enough revenue to provide the prison system at least 30% of its financial needs.

Another critical issue is the type of management that the Romanian jails want to use. Currently, the jails are run by magistrates. Former judges or jurists, many of whom had no prior jail administration

experience, have a hard time getting their bearings in the new environment. A better solution would be to create an exam-based system for hiring professional jail managers, especially in view of the fact that jails will become more heavily involved in productive activities. This will lead to increased transparency and will lead to the final and definitive demilitarization of the jails.

Possible future trends for Romanian jail population

While Romanian jails are moving ahead, the pace of reform is slow. What are the potential and desirable future trends for the Romanian jail system? There will probably be a decrease in the number of underage prisoners, an increase in the number of women prisoners, fewer temporary prisoners, and an increase in the number of people convicted for sexual and white-collar crime. Punishments will last less, and the detention conditions will be gentler. Prisons will or should become more transparent and more professionalized. The higher degree of freedom for employees and prisoners will probably create new problems (increased aggression, suicide, jail murders, escapes, but also marriages, spaces and opportunities for marital visits, furloughs, etc.). One can only hope that the Romanian prison system will have the ability and potential to follow this path.

Penitentiaries

Punishment establishments

At the beginning of 2005, there were 36 penitentiaries in Romania, of which 9 are most important: Aiud, Arad, Bucharest-Jilava (transit and prevention), Bucharest-Rahova, Craiova, Gherla, Iaşi, Mărgineni, Poarta Albă (for a complete list see http://www.anp-just.ro/). In addition, there are several other specialized prisons: Pelendava (semi-open): Târgşor (women); 2 penitentiaries for minors: Craiova, Tichileşti; and 3 re-education centers for minors: Găeşti, Buziaş, Târgu Ocna. There are 10 counties without any penitentiaries, and the people condemned there are usually sent to prisons in neighboring counties. In addition, there were several ancillary organizations: The Military School for Penitentiary Administration in Târgu Ocna; The Logistics Base in Bucharest; The secondary unit for security and escort for transferred prisoners.

40% of prisons are less then 40 years old, while 26% date back to at least 100 years ago and 30% were built over 160 years ago. Gherla and Aiud were built in 1540 and 1786, respectively. Some penitentiaries were not designed as punishment establishments, they are former military barracks or temporary work camps. The communist regime didn't invest in punishment institutions. In 1977 it suppressed almost 75% of them. Building new facilities is a high priority, but the strategic plan proposed in the 90s is yet to be implemented. The press makes fun of the situation, pointing to the fact that the only new buildings that have emerged in the prison system are the personal villas of the jail officials constructed with embezzled funds and the forced labor of the prisoners (see "Noul director da iama in mafia coloneilor" [New prison warden takes to task prison officer mafia] http://www.infonews.ro/article18305.html).

Total dependence on state budget and faulty management brought prisons to a state of disrepair that is sometimes worse than that before 1989. The ills are many: faulty plumbing in most cells; poor, coal based, polluting, and antiquated central heating lacking any means of cell by

cell control; absence of dining rooms; scarcity of toilets and absence of storage space for personal belongings; primitive housing facilities; the lack of showers and bathing units or laundry services; scarcity of workshops and cultural-educational rooms; a generalized lack of sport grounds; almost not private visit rooms; no air conditioning or ventilation systems. This goes against all good practice principles promoted by the European bodies tasked with supervising prison life.[160]

Romanian jails are in addition geographically inaccessible and poorly designed for incarceration. The cells are huge rooms, shared by more than 80 people sleeping in three of four level bunk beds shared by 2 or 3 individuals each. A hole in the floor serves as a toilet, with rudimentary sanitary and hygiene conditions. At the insistence of international organizations, some cells were divided and redesigned to allow for private toilets. The opening of the first post-1989 prison in Bucharest-Rahova, in 1997, stirred a lot of debate because the cells had been designed from the very beginning for a small number of prisoners, with access to their own toilet.

Each typical old-style cell is equipped with a lazarette. The term – used mainly in the military and marine environment in the 19th century – designates the pantry or store room for food and personal belongings. Access to the lazarette is permitted only to the head of the room, his deputy or the prisoner in charge with the lazarette, a sort of treasurer who manages the wealth of all cellmates. The shelves of the lazarette are full of plates, bowls, plastic recipients and jars of cooked food, brought from home while still warm and since spoiled by heat and lack of ventilation. Next to them, there are the "bombs:" vegetables, fruit, cheese, salami and sausages, cans. The upper shelves are crammed with blankets, bags, and memorabilia (photo albums, magazines), while the first shelf from the floor holds bags of dried bread. Lazarettes are frequently ransacked by the guards, who have no respect for privacy, even if the items are legal. They often commandeer or throw away food, personal hygiene objects, books or other personal items.

Prison kitchens, always communal and centralized, are sordid, moldy, and especially greasy. The floor and walls seem to be "waxed" with a thick layer of grease, due to the sparse use of cleaning products.

[160] The United Nations and Penal Reform International – A pune regulile în acțiune. Un manual internațional privind o bună practică în penitenciare (Setting the Rules in Motion. An International Handbook for Good Practice in Penitentiaries), Hague, 1995, p. 63

The typical cleaning method is intense and rough scrubbing with wire brushes, which wears and destroys the porcelain or cement walls and floors.

Central pantries are infested by cockroaches, while the food supplies include items that have long since expired. Hunks of bacon hang next to weevil-infested bags of flour and rotting potatoes. Rats and mice live in gigantic colonies in every nook and cranny.

Bathrooms still maintain the military architectural style of early 20th century, simple pierced pipes traversing the ceiling, which make them look like the gas chamber of Nazi concentration camps. Huge, undivided halls, which facilitate constant guard supervision, bathrooms are as much a means of inflicting punishment as they are an opportunity for administering a minimum of public hygiene.

Taking a bath is the equivalent of a collective rape. Sexual games and ironies are a constant occurrence, rape not infrequent, and other types of violence frequent. Hot water is scarce and washing time minimal. Lined up, naked, holding their bar of soap or bottle of shampoo, prisoners wait in the hallway to enter the shower room. At the sign of the guard, prisoners rush in to quickly grab a spot under one of the holes in the pipes that cross the ceiling. They start soaping at the first drip of water, so as not to waste any drop of the precious hot liquid. Water runs for about five minutes, and then it suddenly and without warning stops. The inexperienced or improvident prisoner will have to brush the dried soap from his hair later on. This exercise is a humiliating show of force, often a source of fun for the guards, who often stop the water before its due time, or make it too cold or too hot to be used. To avoid humiliation, most prisoners wash in the cell lavatory, heating water on improvised electric stoves, using two wires connected to the light bulb. Since the ritual of collective bathing is compulsory, they usually wait by the showers for the time to pass and the voyeuristic show to end. Bathing as practiced in Romanian jails is, in effect, cruel and unusual punishment and a violation of basic human rights.[161]

As a possible remedy for the derelict, antiquated, and totalitarian design of the existing jails, some have proposed the idea of hiring local or international companies to run private jails. This would eliminate the state monopoly on jail facilities and would, in addition to expected

[161] UN and PRI – A pune regulile în acțiune (Setting the Rules in Motion), Hague, 1995, p. 63

higher services, force the central jail administration to loosen up its political grip on the reform process.

The proposal was met with outright rage and moral indignation by prison employees at all levels. The alternative proposals were vehemently rejected. Private penitentiaries, administered by monasteries, city or county councils are vehemently criticized. Publications sponsored by the jail system published tens of articles trying to prove that private jails will lead to corruption, abuse, and prisoner disrespect for the staff. The idea of subordinating jails to local authorities is especially insulting to the penitentiary administrators, who consider DGP a "state within a state," who would not be controlled by something as lowly as a mayor. "To become Vanghelie's employees? Never!" – was the strong reaction of most employees at Rahova Penitentiary (located in district 5, whose mayor, the Gypsy origin Marian Vanghelie, is of the same ethnicity with many of the prisoners). The same indignation was manifested toward the idea of subordinating jails to what the prison staff calls "dubious businessmen"[162] who might treat the prison as "private property," or obeying "lame priests," on whom the staff usually look down in contempt. Another rejected idea was that of subordinating jails to universities, as it happened to the Botanical Gardens (administered by the Faculty of Biology) and some geological, geographical and meteorological stations administered by the respective faculties. Control by universities– which existed during the interwar period – is now being contested on grounds that University administrators lack "professional" experience (despite the fact that most penitentiary managers were educated at the same universities).

The conversation, however, has just started. The trend toward demonopolizing jail administration is universal and rather strong. The success of some Western or American community run or of religiously affiliate institutions will probably win some converts in Romania, as well.

[162] "It has been proven that private prisons increase the rate of criminality. The bosses of these prisons wanted to have as many clients as possible – just as it happens with any other business" – declaration of the general manager of DGP (National Penitentiary Administration), Emilian Stănişor, in an interview by Florian Bichir for "Evenimentul Zilei" from 28 March 2004, thus justifying the rejection of private penitentiaries in Romania.

Degree of institutional occupancy

Despite abysmal current conditions and ponderous reform pace, some progress has been made in modernizing prison facilities and reducing prison crowding. New facilities that can house about 5000 prisoners were constructed and about 7,000 prisoners will benefit from relatively modernized buildings. A new hospital penitentiary was built at Rahova and another 4 hospitals were modernized at Poarta Albă, Dej, Colibaşi and Târgu Ocna. Prisoners call them "crystal palaces," due to the modern and expensive facilities, contrasting with the holding cells. Yet, most new or modernized jails still bear the imprint of the past. Both Rahova and Giurgiu jails, relatively new constructions, utilize designs that are obsolete, emphasizing control and punishment.

In terms of average occupancy rate, Romanian jails are beyond capacity. Bacău prison has an occupancy rate of 300%, while others (Galaţi, Jilava, Baia Mare, Mărgineni, Târgu Jiu, Codlea, Vaslui, Ploieşti, Satu Mare, Slobozia, Târgu Mureş with imprisonment rates of 130-175%) are in slightly less, but still bad, shape.

In brief, most major jails are crowded[163], as illustrated in the table starting on the following page:

Unit	Existent prisoners	Legal capacity	Occupancy %	Number of beds
AIUD	1003	1028	97.57	1657
ARAD – Center	177	320	55.31	294
- R-104	1143	1626	70.3	1778
BACAU	1369	468	292.52	1006
BAIA MARE	704	540	130.37	942
BISTRITA	670	739	90.66	938
BOTOSANI	1306	1307	99.92	1262
BRAILA	828	698	118.62	958
BUCHAREST-JILAVA	2547	1628	156.45	2475

[163] The list only includes the major Romanian penitentiaries.

CODLEA	1125	670	167.91	903
COLIBASI	1243	1274	97.57	1375
CRAIOVA	1923	1501	128.11	1688
DEVA	976	1251	78.02	1293
FOCSANI	900	691	130.25	758
GALATI	1434	821	174.67	1227
GHERLA-Center	1391	1558	89.28	1606
- Cluj	207	294	70.41	318
GIURGIU	1545	1836	84.15	1836
IASI	1741	1456	119.57	1820
MARGINENI	1621	1167	138.9	1606
MIRCUREA CIUC	527	435	121.15	641
ORADEA	719	715	100.56	832
PELENDAVA	101	140	72.14	120
PLOIEŞTI	765	566	135.16	642
- Berceni	32	60	53.33	107
POARTA ALBA-Centru	1119	1611	69.46	1501
- Valul lui Traian	492	823	59.78	874
RAHOVA-BUCHAREST	1767	1852	95.41	2140
S.N.P.A.P. TG. OCNA	34	52	65.38	46
SATU MARE	764	504	151.59	717
SLOBOZIA	1027	760	135.13	1051
TIMISOARA	1367	1169	116.94	1535
TIRGSOR	442	491	90.02	498
Movila Vulpii	75	90	83.33	90
TIRGU JIU	730	560	130.36	790
TIRGU MURES	679	484	140.29	732
TULCEA – Center	862	1056	81.63	1466
- Chilia Veche	55	201	27.36	220
TURNU SEVERIN	825	687	120.09	988
VASLUI	827	601	137.6	732

P.M.T. CRAIOVA	255	640	39.84	465
P.M.T. TICHILEŞTI	226	850	26.59	344
C.R. BUZIAŞ	42	148	28.38	148
C.R.GĂEŞTI	76	150	50.67	150
C.R.TG.OCNA	81	263	30.8	110

Crowding is the result of lack of resources but also of a repressive penal policy, which emphasizes control – a thing also noted by APADOR-CH and the Committee for the Prevention of Torture reports – aggravated by managerial negligence. It is hard to accept that a prison manager who receives hundreds of euro every month for each prisoner cannot build new cell blocks, but can afford the luxury of modern furniture, the latest technology, and expensive electrical and sanitary fixtures for administrative offices. Overcrowding is just as much an issue of mismanagement as it is of relative lack of resources.

A reconstructed Romanian jail system should emphasize small size facilities. Major Romanian jails have about 1000 prisoners and 300 staff members, being quite large compared to 250 prisoners and 150 staff members for most Western European jails. The larger Romanian jails cannot be repaired, they need to be demolished and built anew. The most degraded prisons are Jilava, Codlea, Baia Mare, Poarta Albă, Vaslui, Tichileşti, Aiud, Botoşani, Brăila, Craiova, Pelendava, Deva, Drobeta, Focşani, Iaşi, Mărgineni, Slobozia, Târgşor, Tg. Jiu, Timişoara. Since they are in need not only of structural reinforcement but also of a new division of space, electrical, thermal and sanitary installations, ventilation and sewage systems, as well as access ways and adding necessary auxiliary facilities (clubs, bathrooms, libraries, classrooms, warehouses, etc.) the best solution would be abandoning them and constructing new and smaller units, preferably spread throughout the entire country. The stopgap solution of taking over disaffected military bases, some of them in no better conditions than the existing jails, should also be abandoned.

It is increasingly clear that Romania cannot postpone prison modernization and that the decision to brush up a number of decaying and inadequate buildings was wrong. Several studies[164] have shown that

[164] Allan Brodie, Jane Croom, James Davies – "Prisons in the Twentieth Century," in Prison Service Journal, no. 125, September 1999, p. 29-33, see also www.rchme.gov.uk

most prisons are not only worn, but inadequate for a modern society, which values human rights and emphasizes prisoner reeducation and reintegration. Smaller jails, with small cells, designed for 1 to 4 prisoners, equipped with kitchens, dining rooms, gyms, study rooms, appropriate for a population with a certain educational level and with higher and higher aspirations, are more appropriate and they need to be built from scratch.

Decriminalization of specific acts, introduction of new methods of reeducation and punishment and modernization of social policies should lead to a reduction in the number of prisoners and jails. The modern Romanian state cannot be penal, but social, aligning itself with a new social European ideal [165].

[165] Loïc Waquant – "L`Etat-pénitence tend à se substituer à l`Etat providence," interview in Le Monde, Tuesday, December 7, 1999. Loïc Waquant is a professor of sociology at Berkeley University in California and the author of a famous book: Les Prisons de la misère, published in 1999 by Raison d`agir, a publishing house initiated by Pierre Bourdieu.

Inhabitable surface

Romanian prisons are designed and administered as punishment places in the most literal sense of the word. Furthermore, punishment in Romanian prisons reflect the prevailing cultural outlook: they are a machinery for making the Romanian power culture visible. The way in which space is allocated for various types of uses is the most important means for enforcing the punishment process. In Romanian prisons space allocation reflects the way in which Romanian power thinks about punishment. Romanian prisons illustrate Foucault's ideas better than any other similar European organization; a prison is more than a punitive space, it is a reproductive structure of society itself.

Mirela Carbaza-Ormenişan proposes that Romanian prisons reflect the paternalistic, yet at the same time despotic instincts that latently undermine Romanian polity. Prisons mix in them public and private living models, the former dominating the later. Prisons are part homes (have public functions and are organized as households), part public spaces and part repentance (religious) places.[166] These formal characteristics, however, are subordinated to an ever watching eye and are subjected to the untrammeled power of the administration. Thus, neither familial, nor civic, or religious ties can emerge in prison. Appearances are deceiving.

The lack of privacy and forcible communal living together turn prisons in anti-homes. Crowding and surveillance make prisons into individualists hells, where everyone fears everyone else and camaraderie is strictly instrumental. Cramming together different individuals without taking into account the principle of voluntary association, cancels the function of public edifice that, according to Norberg-Schulz[167], has to be the embodiment of a community. Spontaneous spiritual experiences cannot be openly shared, which cancels the potential religious function of the prison as a place of penitence and purification after committing sin. Prisons are in fact anti-

[166] Mirela Carbaza-Ormenişan – "Spaţiul carceral – instrumentalizare excesivă, ocultarea binomului religie-putere" ("The Penitentiary Space – Excessive Instrument, Occultation of the Religion/Power Pair"), in JRSI no. 2/2002, p. 178

[167] Ch. Norberg-Schultz – Genius Loci (paysage ambiance architecture), Pierre Mardaga, 1981

homes, anti-public spaces, and anti-churches. They are the place of committing, not expiating sin.

Romanian prisons, although barbaric architectural mixtures are also a good illustration of the Panopticon. They illustrate Foucault's and Norberg-Schultz's idea that the role of prison architecture is no longer of being seen (as for other public edifices) or to survey the exterior space (as is the case for fortresses), but that for facilitating an articulate and detailed control of the interior, to make those inside visible.[168]

Foucault's the three major disciplinary procedures – setting a rhythm, constraining the prisoners to certain occupations, repetitive cycles – are reflected in the antiquated method of organizing and denying activities and spaces in Romanian jails. Cells geographies, with the leader at the door and his "nephews" in the upper bunks place individuals in hierarchies. At the same time, through filth and overcrowding, prisons generate homogeneity (all prisoners look the same to the visitor). Above all, cells contribute more and more to the separation of individuals from the world outside the walls.

In more specific terms, Romanian cells act as pressure spaces and control spaces through crowding. 15 to 20 people live in rooms no bigger than 15 sq. m., crammed in 3-level bunk beds, each shared by 2 or 3 individuals. Legally, each prisoner should be allocated 6 sq. m., yet prison administrations get around the rule by adding to "available space" the hallways, staircases, and uninhabitable auxiliary rooms (clubs, bathrooms, kitchens, chapels, etc.). Romanian prisons more closely resemble those of Republic of Moldova, Azerbaijan, Ukraine, or Armenia, where prisoners are legally entitled (more true-to-life) only to 2 sq. m. of space.

Collective cells were never seen as a good method of incarceration, individual cell systems being the preferred solution. But building large cell blocks continues in Romania, with more and more prisoners placed in them. The reason is that collective cells allow better methods of control through informers and direct observation.

In the European Union, the inhabitable surface for each prisoner is of 12-16 sq. m. Romanian prisons should emulate this example. It can start today. All large cells can be broken down into smaller detention spaces, at least until new, modern jails are built.

[168] Michel Foucault – A supraveghea și a pedepsi. Nașterea închisorii (Discipline and Punish. The Birth of Prison), Humanitas, Bucharest, 1997, p. 251

The prison air

Romanian prisons deny many rights, none of which is more precious than the right to breathe. Air is a privileged commodity in prison. Inhaled by over 30 prisoners, the air in a 12 sq. m room is a concoction of near-lethal gases. The small barred windows cannot ensure proper ventilation. Access to the window is a true treat, to which only the strong and the powerful are entitled. I once saw at Jilava Jail a cell "VIP" standing all alone by the window, while his cellmates were crammed in the opposite corner of the room, so as not to alter the "purity" of "his" air.

The climate changes over the past few years have made the problem of ventilation in prisons even worse. When heat waves of over 35 degrees Celsius melt up asphalt roadways, prison cells turn into sweltering furnaces. Smoking and the stale food in the lazarette only increases the toxicity of the air. Heavy and stale, prison air is the most expressive experience of prison life. During hot days prisoners behave like submarine sailors waiting out in the abyss the departure of the enemy destroyer patrolling above their heads. Deprived of air and suffocated by heat, their movements and gestures are reduced to a minimum so as not to make the air even staler. This conservation strategy leads to a corporeal dis-individualization and a feeling of bodily mortification. Prisoners might refuse the daily one-hour walk because it takes place out in the sun. Absence of any trace of shadow or vegetation in the exercise yard only increases the discomfort. The body and its fundamental needs – breathing, food, sleep, elimination, maintaining a stable thermal level – are going through a process of acculturation. In prison one relearns each of these activities, in new and tortured ways.

On the other hand, the hallways, whose archaic lack of windows can under the circumstances be considered a blessing, seem like genuine oases. Staircases are the places where guards spend away their time. Prisoners are on the other hand denied any access to such "geographies of freedom" as Goffman named them in "Asylums."

Deformed, unbalanced, numbed, through exposure to prison air, bodies go through both a physical and psychical desensitization. The prison atmosphere during hot days is one of factors that contribute the most to self mutilations. Nails are driven into heads, tongues, limbs or other body parts, hard objects – wire, pieces of glass, nails, needles, etc –

are swallowed or wrists cut when the foul air and unbearable heat turn bodily harming into a form of demented caressing.

Personal convenience and the resilience of black markets

Cells lack any piece of furniture other than the beds. There is no closet, no table, no chair, no refrigerator. The lack of minimum facilities increases the importance of the lazarette and of personal bags, placed under the bed. An entire array of kitchen appliances are not allowed in the Romanian prisons and especially utensils made of any material. While understandable, in a way, due to the fact that utensils can be turned into weapons, the crude fact is that prisoners end up improvising or smuggling utensils. This is the product of the fact that fact that meals are eaten in the cells due to a complete lack of dinning facilities.

Interdiction of elementary utensils and conveniences generates a pervasive and resilient black market, which can and is used for trafficking in other goods than those of immediate necessity. Drugs and alcohol are the most valuable and dangerous type of contraband that piggyback these the black market of immediate necessities. Addicts smuggle in real drugs or steal and sniff glue or solvents. “Slicks” get their ration of hard and at times refined liquors, while “nephews” make do with various types of moonshine produced in prison, which might include perfume and after shave lotions. Women or female sexual favors can also be bought in Romanian prisons, at the right price. Homosexual relationships are also available, sometimes at quite low prices.

The simplest way to eliminate or diminish the power of black market would be to abolish interdictions. This would solve a lot of problems, especially the contraband in truly dangerous or deleterious goods and services (drugs and sex). Yet this solution takes away from the administration its main tool of direct and more importantly indirect control. The administration is part of the black market. It is one of its means of informal control. The minute black market disappears, the administration would need to start playing by the official rules, a game at which is not very good. More abstractly put, the prison acts as a field of forces that manifest themselves in given forms, according to strategies that have been perfected informally over time. These structures of power interact ambiguously, permanently negotiating their prerogatives and territories, fighting for various areas of incertitude. As Michel

Crozier showed[169], there is a continuous fight in most institutions to take over those areas that escape legal regulations, and to turn them into sources for legitimating power. Prisons, and especially the Romanian ones, are perfect illustrations of this principle.

A more liberal approach to access goods and services in prison will for sure diminish the power of black markets and informal norms and power structures. It should be one of the most important reforms to be introduced in the Romanian prisons after limiting the number and improving the conditions of temporary prisoners. This would, of course, demand a series of changes in social relationships, which will require more autonomy of movement, a higher degree of individual freedom, mutual respect, and ultimately refinement in the art of communication.

Whether willing or not, Romania will sooner or later adopt a European penal system, characterized by increased, more generalized, and more refined ways of regulating human interactions. The benefic effects of this integration will be visible not only to the prisoners, but also to simple citizens. They will realize that strict penal and prison systems were meant to hang like a continuous threat above their heads, as well. Totalitarian policies will lose ground to community interests and international legal regulations. Power will gradually move from the public institutional stage to the private one, becoming more personal, not unlike sexual relationships. Just like these, prison space and relationships will become more manageable if their management would take into account private taste, preference, and choice to a larger extent. Yet, the road to this ideal state is still long and arduous.

[169] Michel Crozier – Le Phénomène bureaucratique. Essai sur les tendances bureaucratiques des systèmes d`organizations modernes et sur leurs relations en France avec le système social et culturel (The Bureaucratic Phenomenon. Essay on the Bureaucratic Tendency of Modern Organization Systems and Their Relation to the Social and Cultural Environment in France), Ed. Du Seuil, Paris, 1965

Romanian jails as military spaces

Romanian prisons, although officially part of the civil service, are ruled *manu militari*. Power relations are seen in military terms and communication is military style (univocal, ultimative, directive). Prisons are status and rank conscious in a way in which only military institutions are. This is easy to explain. The staff was until recently organized hierarchically and the managers and prison wardens had military ranks. As military status was mistaken for competence, even civilian employees (physicians, psychologists, economists, legal counselors) coveted a military rank. The most important thing that a military rank bought were the material privileges that came with it, including palatial offices. (Higher salary, public and subsidized housing, subsidized vacations in special resorts, even an annual clothing allowance added spice to the privilege of being a military officer in the prison system). Subordination to military hierarchy practically canceled professional autonomy, since opposition to superior orders, especially for doctors or counselors, not being possible anymore.

Moreover, militarization of the prison system favored the vertical integration of all economic and service activities associated with the prisons. This automatically translated into a top heavy bureaucracy and inability to cut costs by public bids and contracting out specific jobs and services. Medical and food services were especially affected by vertical integration. Prison doctors and food services are so poor because doctors and cooks are integrated in the military style chain of command, which even after demilitarization remains just as inefficient and corrupt as it was before.

The military administration of the prisons was maintained for so long for clear cultural and ideological reasons. Prisons were and are considered in Romania protective bastions against an "enemy" (delinquents) who need to be punished not only because they harmed someone or stole something, but because they are a generic threat to society. Thus, prisons are seen in terms of military operations, whose role is to destroy the enemy, which was take prisoner and is held in prisoner camps. In democratic societies, prison is no concentration camp and convicts are not the enemy. Prisons have nothing in common with the military, with defense, or with enemies. In a democratic society,

prison is a public service. It is similar in function and appearance to a school or a hospital. It must be controlled by civil power and must contribute to the public good. Consequently, prison administrations should be responsible for the way they administer this public good. The public must be informed on what prisons do, how they function and they are managed.[170] No secrets can be invoked and nothing should be hidden from public scrutiny on account of the fact that prisons are military units engaged in a life and death struggle with a cunning enemy that can take advantage of any piece of intelligence that might slip out.

[170] Vivien Stern, Research Director at The International Centre for Prison Studies, King's College London, - "Prisonniers vus comme ennemis ou comme citoyens? – la responsabilité de l'Etat," paper presented at the Congress of the Catholic Pastoral International Committee in Prisons, August 19th, 2003, page. 3, see the text on www.icps.uk

Administrative space

The preceding section showed that despite formal transfer of Romanian jails to civilian authorities, they remain military institutions by culture, tradition, and informal organization. This has far reaching implications. One of them is the manner in which prison space is allocated. This is, however, not just an issue of interest to architects. Buildings reflect and reinforce power structures. They are power incarnate. The manner in which they are divided, utilized, and made accessible or not can subvert formal organizational charts.

A typical Romanian jail administrative space is divided into three areas. There is the area reserved for the sole and exclusive use of the superior officers (nowadays wardens), there is the area for the ordinary guards and their support staff, and there is the open parade ground. Each bears power significations that allude to the military and hierarchical nature of the Romanian penitentiary system. While the central office are palatial, subordinate office spaces are only a hairbreadth from the squalid quarters of the prisoners. Finally, the parade ground is a left over of the mass, totalitarian social ideals in which Romanian jails have emerged. Each of them have a special role to play in the power economy of the prisons.

One of the first things a visitor notices about a Romanian jail is how far administration buildings are from the cell blocks. This reflects the concentration camp mentality of the prison, where the prisoners are seen as enemies that need to be separated, isolated, and subdued by an alien force, opposed to them and qualitatively superior.

Administration buildings and offices are not only far and insulated from the prisoners, they are a completely different type of facility. They are infinitely better furnished, maintained and fitted with modern amenities. In addition, they flaunt as much as possible all imaginable symbols of hierarchy and prestige. Offices are decorated with expensive, albeit kitschy, objects and art. They are provided with phones with international direct dial lines, desks are covered with electronic devices, which include several cell phones for each major employee. The management parking lot is populated by new and relatively expensive cars bought with prison money for the sole use of the prison managers and superior officers. The division of power within the staff is reinforced by the fact that there are three dining rooms for the staff, one for the

guards, one for the middle management, and one for the prison warden and his deputies.

Summative thoughts about prison space

The prison facility must be a workspace. It should be used as much as possible for re-education and reintegration activities, not for ostentatious displays of power. It should not focus on impressing upon the visitors and prisoners that the state is all seeing and all-powerful. It must be a place that fosters activities that help the prisoners to get healed from fear, from feelings of vulnerability, and uselessness, from anger with oneself and anger at the system. It should be a place where victims find answers to what happened to them. It should be a place that helps prisoners restore order in their lives and in the lives of the ones they harmed or dispossessed. In prison inmates should be helped to acquire a feeling of personal value and respect, both toward his own person and toward the others. Prisons should be places where inmates are helped to become aware of the consequences of the crime committed and to develop those abilities that may help them live a normal life in society.

With the transfer of Romanian prison to civilian control, fundamental changes should occur in the organizational culture and in the structure of the building prisons. The process should start with acceptance of the fact that convicts are still citizens and should be treated according to the 10th article of the International Covenant on Civil and Political Rights: "All persons deprived of liberty shall be treated with humanity and with respect for the inherent dignity of the human person." They should be treated with a human empathy similar to that between teacher and student or between doctor and patient. This principle requires space restructuring that facilitates reinsertion of convicts in society. There should be more spaces for longer family and friend visits, spaces for modern medical treatments, for education, entertainment, and physical conditioning.

A solution for this is to introduce the personalized contract between the convict and the warden of the facility he is assigned to. This contract should stipulate, alongside what is denied to the prisoner, the administration's obligations, which should include decent food and shelter, access to work and education opportunities, health care, professional training, any deserved allowances, contact with the family,

etc. It should spell out how would the guards be penalized for inhuman treatment. Furthermore, the contract should clearly state that the role of the prison is to return the convict back to society as a useful citizen. This contract would break the boundaries between "them" and "us," bringing the administration and the employees, the employees and the convicts' families, the convicts and their victims closer to each other and capable of communicating using a common language of right, obligations, and expectations. Above all, the detention contract will foster the transition from "retributive justice" to the "restorative justice," illustrated by the following principles:[171]

Retributive Justice	**Restorative Justice**
1. The offence attacks the state and its laws.	1. The offence attacks people and relationships.
2. Justice is reduced to deciding the nature of the punishment,	2. Justice tries to identify needs and obligations,
3. in such a way that the pain can be measured.	3. so that the situation could be fixed.
4. Justice is a state of conflict between the enemies,	4.Justice encourages dialog and mutual understanding,
5. in which the offender is confronted by the state,	5. between offenders and victims.
6. according to given, inflexible rules.	6. Justice is assuming responsibilities, satisfying needs, and encouraging healing of individuals and relationships.
7. As one party loses, the other wins.	7. As one party wins, the other wins as well.

If the prison is to become a space for restorative justice, administrative space must be dedicated to mediation. It should be organized to foster traditional and non-traditional education and reintegration activities. One important, and new component, would be

[171] Zehr, Howard and Mika, Harry (1996). „Fundamental Concepts of Restorative Justice." Akron, Pennsylvania: Mennonite Central Committee. Howard Zehr – "Justice that heals; the vision," Stimulus, vol. 2, August 1994. For a Romanian discussion of the problem see Andrei Paşcu – "Justiţie Restaurativă," in Revista de Ştiinţă Penitenciară nr. 3, 2000, pag. 74

the creation of spaces, and activities associated with them, that would offer the opportunity for prisoner-victim interaction. This can be an in person encounter or if the exercise would be too painful or impossible for the victim, through vicarious activities, such as educational and counseling activities that help the inmate think about his acts and their consequences in terms of restorative justice.

Such spaces and activities should be negotiated solutions for finding remedies for evils done. They would be dedicated to reconciliation and reestablishment of social balance. Their reconstruction must favor an exchange of opinions, emotions, feelings, thoughts, and experiences between all concerned: victims, their families, inmates, and prison administration. This reform of administrative space would redeem justice from what can become a profoundly corrupt vision, so wonderfully expressed by the American judge Dennis Challeen:[172]

"We want them to have self worth,
So we destroy their self worth.
We want them be responsible,
So we take away all responsibility.
We want them be a part of the community,
So we isolate them from the community.
We want them to think positively and constructive,
So we humiliate them and make them useless.
We want them non-violent,
So we put them in a place where violence is all around.
We want them to control their own lives and problems, not to be useless,
So we make them totally dependent on us."

Furthermore, restorative justice can be better accomplished if prisons are transferred from the monopolistic administration of the central to local governments and when warranted even to private or non-profit (educational, religious, etc.) administrators. The prison system of a truly democratic society must become a healing institution able to identify the needs and to offer redress to harm done to the victims. In such an institution, the main role belongs to the moderators, preparing each party for assuming their responsibilities and for

[172] Quoted by Andrei Paşcu – "Justiție Restaurativă," Revista de Știință Penitenciară nr. 3/2000, pag. 77 from Dennis Challeen , Making it Right, Mellius and Petersen, 1986

receiving their rightful compensation, with the final goal of in restoring social harmony.

Mediators must have solid psychological and sociological knowledge and the freedom to move between inmates, their families, the victim's home, and their relatives. They would draft and mediate restoration contracts, in which the convict and the prison assume responsibilities and have duties, rights and benefits, and in which costs are clearly stipulated and positive expectations are spelled out. This is, I think, one of the ways Romanian prisons can be brought out of their current predicament.

Sanctions and Punishments

Prisons are run by fear. Of course, prisoners fear the guards, the justice system, and their more powerful inmates. Prison administrations are fearful as a whole. They fear that a convict might commit suicide or might be killed; fear of scandal, of being visited by politicians or journalists; fear of rebellion, of sanctions from above, of sudden change in the rules and laws. Finally, staff members as individuals fear everything. They fear of being accused of negligence at every step. They can be sanctioned in a number of ways, for any reason. They can be verbally remonstrated, can get a written warning, demoted, fined, transferred for disciplinary reasons, suspended, fired or even indicted and convicted of a crime. According to official statistics, around 5% to 7% of all employees leave their jobs every year. Some of them retire, but a good portion resign, are fired or worse. 10-15% are punished in some way. This creates insecurity, often exaggerated to the point of phobia, which increases the tendency of prison guards to be strict disciplinarians. Fear of punishment, doubled by a strong inferiority complex and heightened by poor public image is turned against the prison population. This translates into misguided and exaggerated zeal and in an atmosphere full of suspicion.

Employees can do a lot of harm. They can use one of their most important power, namely of attaching "disciplinary notes" to the inmate official record. The note system is in effect a grading method. Inmates that receive "bad grades" are often denied parole. Notes cannot be appealed and are rarely if ever checked against witnesses.

Fear in jail is enforced by a large variety of supplementary punishment methods. These are largely illegal, denying the principle of double jeopardy. Inmates that refuse their incarceration conditions, often barbarous and lacking any judicial support, are often subjected to the internal supplementary disciplinary methods. Punishments go above and beyond regular isolation measures, as they are normally practiced in most other prisons of the world. A large array of humiliations and torture is used to break the will of the recalcitrant prisoner. Food, sleep, rest, and open air breaks are denied. Isolation cells have no beds, no windows and no ventilation. Prisoners are often bound, chained or even tranquilized. Isolation punishments are dispensed many times in arbitrary manner.

Chaining is widely used in Romanian jails as a punitive measure, despite international regulations that Romania is a signatory of, which specify that they should be limited to situations where the escape risk is high. Prisoners are often chained to their beds and wear chains within the prison, even when they go the internal post office to pick up their packages.

Another form of extra-judicial punishment in Romanian jails, at least as reported by inmates to me during jail interviews, are verbal and physical aggression. This range from informal and casual slapping, taunting, verbal and physical threats and insults to sexual harassment or abuse. They are all ignored and considered as being part of the normal life of Romanian jails. All attempts to eliminate these punishment methods have failed and Romania refuses to publish any statistics or methodologies about its internal punishment methods. Romanian authorities claim that they only practice normal and necessary violence control measures. More disturbing is the fact that inmates accept these measures willingly, in some situations, preferring them to the more formal types of reprimand, such as disciplinary notes, since the latter can postpone or denial of parole.[173]

[173] See APADO-CH 2002 report at http://apador.org

Prison Services

Food in Prison

Good prison food is an oxymoron. In Romania prison food can be very bad. The poor quality food is the product of several factors. One is the fact that prisoners are considered to be a degraded form of humanity that does not deserve equal or human treatment for any of their basic needs. Romania jails resembles in this respect the jail culture and conditions of 19th century, as described in the investigations conducted by the French Minister of Interior Jean Antoine Chaptal in 1801 (*„Rapport au ministre de l`Intérieur sur la reforme des prisons"*), by Gustave de Beaumont and Alexis de Tocqueville in the United States of America in 1831 (*„Le Système pénitentiaire aux Etats-Units"*), or by Charles Lucas in 1838 (*„De la reforme des prisons"*).

Romanian jail food is so bad that most inmates say that they would starve if they were to subsist only on what they are served by the administration. The situation is made worse by the generalized practice of using the prisoner supplies for feeding the guards and their families. Despite all reports regarding improvement Romanian jail diet[174] changes have been implemented at a snail pace. Public statistics indicate, of course, dramatic changes, but these should be read carefully. The National Penitentiary Administration stated in a document published at the beginning of the decade on its site (and since deleted) that it has provided in a year for 45.000 detainees and 12.000 staff members 1.484 tons of meat and 7.306 tons of potatoes and 329 tons of cheese (see

[174] In the APADOR-CH special report concerning Rahova penitentiary, of December 2003 notes about the food situation: "the menu of the day had been the following: breakfast … 194 portions of tea, cheese, marmalade, and biscuits (the diabetics received eggs and milk; lunch: vegetables soup, and potatoes stew with meat and for those on a diet- pasta and milk; dinner- pasta with sauce and pork, and pasta with milk for those on a diet. For lunch and dinner 99 kilos of pork, 51 kilos of by-products and 100 kilos of fat were used. The second dish for the "common" meal included only fat (although the quantity of meat registered in the ledger was the same as that for fat), while the "meat" those on a diet, deposited in a separate pot, was only bones and fat. The "meat" reserved for dinner that was found in the refrigerator was in fact only fat."

www.anp-just.ro). The figures, although generous, combine staff and prisoners allowances. They do not tell what percentage of foodstuffs listed is allocated to each category. For example, the average meat consumption per individual (detainee and employee) would come to about half a kilo per week. Prisoners report during in person interviews, on the other hand, that they hardly get 100 grams of clean meat per week.

Feeding the prisoners well would still be an issue even if there was no sharing the foods with the guards. Romanian prisons have no dining facilities. Prisoners generally eat in their cells. Food is dispensed for the entire cell in large cooking pots. Distribution is the responsibility of the cell head. He and his protégés get the most of the meat, the rest, and especially "the nephews," get the slop and some scraps of vegetables and fat. Temporary improvements and better distribution practices are only implemented when prisons are visited by NGOs or international visitors.

Many international reports include Romania among the post-communist countries that systematically register low nutrition for jail food, poor preparation scores, low number of calories, unbalanced ingredients, undiversified menu, poor kitchen hygiene, lack of refrigeration, and a lack of religious standards ("kosher," "halal" or "vegetarian" menus are unknown in Romanian prisons). Food disposal and cleanliness are also critical issues in Romanian prisons (see http://adapor.ro for details). Romanian jail food standards are best summarized by the ironic call to lunch used by some prison guards: "Time to vomit, suckers!" Monotony, poor preparation techniques, unsavory meals, lack of fresh vegetables and fruits are aggravated by frequent bouts of intestinal disease, favored by such diets.

Romanian jails are light years from Western standards. Swiss penitentiaries serve, as the Swiss penitentiary administration website indicates, a three-star restaurant menu in comparison to what Romanian jails have to offer. The Swiss feed their prisoners: for breakfast-several kinds of cheese, bread and butter, a cup of coffee or hot chocolate; for lunch: salad, vegetables, fish or meat; for dinner: salami, bacon, soup, juice, sweets. And the menu changes every day!

In the last years, however, the menu has been slightly improved, especially in those penitentiaries most visited by authorities and by foreigners: Bucharest, Timişoara, Arad, Buziaş. The efforts to improve the quality of food is doubled by food parcels sent by relatives. A typical example is that of an inmate relative I interviewed in 2004. M.P., the wife of a detainee in Rahova, recounted for me in detail the items she

regularly sends her husband: "once a month I send him a big parcel with 2 kilos of sugar, 2 salamis, 10 cans of all kinds, coffee, cigarettes, fruit, and vegetables. Also, once a month I bring him prepared food, hot soups, and cookies that would be sufficient until next visit. But I know he won't eat them alone, he has to share it, otherwise he'll get into trouble. When I visit him, I cannot bear to see him slowly cutting thin slices of salami and chewing them little by little, enjoying every single bite. I usually let him have his meal alone. He takes a long time to eat, searching with trembling hands the contents of each bowl of home-made food. I fear even to look at him. He became another person, sick, hungered, and weakened, with eyes of an old man. It's as if only my parcels keep him alive."

Food scarcity and the inequalities produced by access to outside food create and sustain the prison black market. Prisoners continuously trade or allow themselves to be utilized for the most degrading jobs or services for a scrap of food. This contributes, as highlighted above, to reinforcing informal norms, and the discretionary nature of the power exercised by the administration.

Over the last years, western countries have experimented with a number of solutions for solving the bad prison food problem and with it all the other ancillary problems, especially contraband. France allows the prisoners to buy with their own money food supplements that can also include luxuries such as caviar or bull testicles. Dutch prisoners can order their food from a prison approved catering company, within the limits of his or her food allowance, to which they can add items they pay from their own pockets. Italy furbished some of its cells with kitchens. Detainees can cook their own meals and store them in refrigerators and freezers, to which they have unlimited access. In Germany, with a few hours notice skilled cooks prepare food on demand.

Even if more expensive than the traditional system, these innovations are in line with the international norms that stipulate the fact that the detainees must receive diversified meals, well-prepared and served, and qualitatively and quantitatively complying the hygiene and dietary rules. More important, better meals reduce contraband, inmate on inmate exploitation, and reduces medical costs. A European Union study remarked that decrease in food expenses lead to a huge increase in

medical expenses, the medical treatment of food induced illnesses being more costly than serving decent food.[175]

[175] Commission Nationale Consultative des Droits de l`Homme – „Etude sur les droit de l`homme dans la prison," 11 martie 2004

Medical Care

Prisoner populations are affected by disease at far higher rates than regular populations. Pre incarceration living conditions and life habits predispose them to a number of ailments (digestive, infectious, psychiatric, etc.), which can only be aggravated by prison life, even when prison living conditions are normal. D. Gonin[176] notes that in jail all organs start failing. Stomachs ulcer, skin is covered with sore spots, teeth are lost. Hypertension increases with stress and anguish. The mind goes astray as well: psychoses, depression, anguish, and personality disorders flare up in prison.[177]

Drug, alcohol and other types of addictions run wild in most prisons, including Romanian ones. Reliable statistics absent, due to the Romanian penchant for secrecy, anecdotal evidence shows that all these behaviors and their ill effects are a frequent occurrence in Romania as well. Prohibition only makes things worse, since when the stimulant of choice is absent addicts use the next best (and sometimes lethal) thing: moonshine, inhalants, or solvents.

Romanian jails are also affected by the HIV AIDS epidemic. To add insult to injury, stigma associated with HIV infection leads in Romanian jails to ostracism, beatings, and worse. Prison overcrowding also facilitates rapid transmission of other infectious diseases, especially drug resistant TB. Cardiac or respiratory disease due to sedentary living conditions or second hand smoking are also prevalent. Poor nutrition generates its own ailments, from dysentery to hemorrhoids. Add to this injuries produced by violence--wounds of all kinds, broken bones--long detention periods, and by suicidal attempts.

Not to be forgotten is the plethora of mental illnesses, from depression and anxiety to psychosis and paranoia. Romanian data on the mental health of the inmates is still hard to come by, although some progress has been made in terms of releasing some of it. According to personal communication with Iaşi Penitentiary doctors, over 30% of

[176] D. Gonin – "La santée incarcérée," Ed. L`Archipel, Paris, 1991

[177] C. de Beaurepaire – "Psychopathologie et détention: données et réflexion clinique," în "Revue français des affaires sociales," 1997, vol. 51, nr. 1, pag. 32

inmates suffer from serious mental problems, most of them belonging in psychiatric institutions, not in jail, where medical treatment is limited to antidepressants, anxiolitycs, psychotropes, or lithium.

Medical problems are compounded by lack of adequate medical care. Medical competences are often delegated to the paramedical personnel or to the guards. There is a generalized shortage of specialized drugs and medical equipment. Medical services are in short supply, doctors hard to see and sometimes mistrusted. Many prisoners complain that when they see the doctor they feel like "guinea pigs" in a lab, not like human beings. Another critical issue is that of providing informed consent for treatment. Although a general European problem,[178] Romanian prisoners have no way to assess the quality of the treatment they receive or of the appropriateness of the decisions made by their doctors who are not always the best in their profession[179]. Having no possibility to choose their own doctor or to ask for a second opinion, detainees find it impossible to raise objections regarding the prescribed treatment. Also, they cannot buy drugs, if these are not provided by the penitentiary.

Romanian prison administration tried to address some of these concerns by modernizing or creating new hospitals. While they have alleviated the problem, it did not solve it. Most of the doctors hired to staff the hospitals leave their job because of low wages, inability to charge informal fees (the way their colleagues in regular hospital do), and because of primitive working conditions. Lastly, many of them could not follow orders that clearly broke professional rules and even the laws (handcuffing prisoners under treatment, forcible feeding or medication, denying or delaying treatment, etc).

Although providing poor services, prison hospitals are crowded. Prisoners often scheme to be sent to the hospital, which is seen as a paradise[180] or "crystal palace" compared to ordinary cell living conditions. Mild discipline and better food encourage malingering. High hospital occupancy rates and medical staff shortage translate into net decline of medical services. For example, Târgu Jiu Penitentiary had a few years ago only two general practitioners for 1.300 detainees. The

[178] Dominique Lhuilier, Aldona Lemiszewska – "Le choc carcéral. Survivre en prison," Ed. Bayard, Paris, 2001

[179] Most of the prison doctors used to be military doctors, educated before 1989, who are close to retirement and who would not cope with the competitive nature of modern Romanian civilian medicine.

[180] Maurice Diennet – "Le Petit Paradis," Ed. Robert Laffont, Paris, 1972

time they spent with the prisoner patients was drastically reduced by the fact that they to also treated the staff and their families, plus the local court and prosecutor's office and their dependents (about 500 patients). The staff patient population got, of course, a significant amount of the two physicians' time. At Vaslui Penitentiary three of the eight clinic hours (7^{oo}–9^{oo} and 14^{oo}–15^{oo}) were reserved for the staff. At Bacau Penitentiary the only general practitioner provided until recently medical services only to the staff, the prisoners being taken care by nurses and paramedical personnel, while in Ploiesti doctors reserved two hours daily for the staff. APADOR-CH, the organization that gathered this data, points out that the net effect is rushed and substandard medical services for inmates. Doctors can see up to 70-80 examinations every day, or about 10 an hour. This translates into about 5 minutes for a medical consultation. The shortage of medical personnel is acute. Tulcea Penitentiary had in 2002 one doctor for three position while Giurgiu only two for six, and no dentist, despite having the resources to hire one (APADOR-CH – "Annual Report 2002").

Medical personnel is not only overworked but also undereducated. It is rarely brought up to date with the latest developments in medicine due to a lack of continuing education programs. Some of them can't even have a cell phone at work, or Internet access.

There are no pharmacies in the penitentiary system. Infirmaries themselves carry small stocks of general purpose analgesics, of which the almighty Algocalmin (Algozone) is prescribed for just about any ailment. Shortage and lack of access to drugs is partially compensated by the brisk black market trade in medicines. The guards are willing and successful peddlers of un-prescribed drugs. Their offices sometime resemble drug warehouses, boxes and vials of all form and shape covering their desks and bookshelves.

The only decent (and exceptionally well run and furnished, by Romanian standards) hospital is at Rahova Penitentiary. The hospital attracts prisoners from all over the country. Many of them come to rest and recover, in a sort of vacation, suffering of no ailment that requires immediate hospital treatment.

The absence of periodical dental examinations/check-ups aggravate the general state of health in prisons. The most frequent dental procedure is tooth extraction. Due to technical limitations, implants, ceramic crowns, or surgical procedures under general anesthesia are very rare. Often dental extractions are performed by general practitioners, who use algocalmin as a panacea.

Specialists are a rarity if the prison medical system. There are very few rheumatologists, neurologists, ophthalmologists, or throat specialists. Dermatologists, who also treat venereal disease, are also limited in number, and their services in short supply. Medical emergencies are usually dealt with patience. Most prisons have no night time qualified medical personnel. This increases the number of suicide deaths, which mostly occur at night.

Prison health conditions should be everyone's concern in Romania. Some infectious diseases, especially AIDS and drug resistant TB, fester in penitentiaries, spreading outside the prison walls with each wave of prisoner release. Most of these cases should in fact be sent out for treatment in regular hospitals even before they were released. Outside doctors should have access in some form to incarcerated patients and some of the medical schools should create treatment clinics that take advantage of their free treatment-as-teaching capabilities.

Prison doctors, on the other hand, should be allowed more freedom. They should be able to see patients in the cells, if warranted. Stop gap measures should be used for treating those in temporary incarceration or those that have been released from jail while under medical treatment.

More broadly, prison medical care, except for some emergency or routine treatments, needs to be deinstitutionalized. The highest Romanian medical organization, the Romanian Medical College should intervene and in the name of preserving the dignity and honor of the medical profession and should demand profound and immediate changes in prison medical care.

Free time

Free time in prison is a time of self-recovery, a time to rebuild one's self-image and one's dignity. Lhuilier and Lemiszewska argue that modest lucidity, prudent rebellion, amused tolerance, and solitary resistance all contribute to the construction of the prison personality and to the preservation of an element of liberty and dignity and the recovery of identity. [181] Even more than in the outside world, free time in prison depends on the financial resources of each person, since differences of social status are more visible in an enclosed space subject to all sorts of privations. The aristocrats of the system occupy it with delights tactically savored in full view of others, while the slaves frequently waste it in endless discussion or extended reveries, in front of the television or singing songs of freedom, love, and riches. In any case, regardless of how it is manifested, free time appears as a form of absenteeism. Due to its subversive function, it is controlled, segmented, managed and tolerated with great care, and channeled toward activities that do not endanger the ideology and values of the institution.

Affinities make it easier for free time to pass. They allow groups to take shape, favor solidarities among prisoners, and give structure to various forms of collaboration. But this stops short of friendship and intimate revelations, for fear of being "split on" or of being classed as a "punk" or "vile" and thrown down to the bottom rung of the informal hierarchy.

Free time also presupposes learning to keep a distance from certain individuals, as a way of refusing an identical future, or of refusing degradation. From outside, all prisoners may look the same, caught in a grinding machine that inevitably levels their behavior, thoughts, and relations, but seen from inside, the centrifugal tendencies are much more evident: those who come from the margins of society, those without family or affective support or who have various mental or physical disabilities are the excluded in a society of the excluded.

At the beginning of the period of detention, each individual learns how to manage their free time, and discovers the weak points of the

[181] Dominique Lhuilier and Aldona Lemiszewska. Le choc carceral. Survivre en prison. Paris : Ed. Bayard, 2001, p. 127

system. The investment involved in learning to adapt is an investment in freedom. It is not by chance that the institution of the "chariot" exists in every prison, and learning how to use it is a way of getting round interdictions, facilitating communication and officially forbidden exchanges. As it is discretionary, and has to be spent in the most varied ways possible, free time is frequently allocated to chariot dealing. There are permanent auctions at the windows, and information and goods circulate faster than any express post system in the world. In handkerchiefs, in baskets, or in bags, messages (letters or notes) circulate together with packets of various sizes containing cigarettes, coffee, sugar, or other delicacies. Even love has its place on the chariot: the little packages that pass back and forth between the men's and the women's cells include not only love letters, but also the fruits of masturbation, which the women introduce into their genital organs, thus becoming pregnant to the despair of the staff, who are accused by their superiors of facilitating sexual relations.

The existence of women's cells in the proximity of men's focuses everyone's attention on persons of the opposite sex. Each one is studied, labeled, catalogued, and accepted as a sexual partner or not, with the chariot operating at maximum intensity. Even if they have partners at home or in other prisons (to whom they remain exaggeratedly attached, placing them on a pedestal to the point of divinization) everyone gets involved—if they have the possibility—in loves of greater or lesser duration, in order to pass the time in such a way that their senses will not atrophy and render them even more brutalized. For the proximity of the opposite sex makes the sight of their own and their cellmates' gloomy, livid, unshaven faces a little less unbearable. And above all it keeps them away from homosexual practices, channeling their habits toward masturbation.

The most often practiced sexual activity, masturbation gives rise to certain rituals and interdictions. It is unacceptable to masturbate in bed, in full view of everyone, or close to the food cupboard or to the belongings of others. The toilet is the place specially set aside for this purpose, and it is plastered all over with photographs of naked bodies, cut out of various magazines. As well as these, the majority are helped by special albums full of photographs of their partners. Stealing one of these albums and using it in the toilet is equivalent to raping the owner's wife, and is severely punished. To prevent altercations on this subject, the staff often provide the prisoners with pornographic magazines to

stimulate their sexual fantasizing; it is also a way of trying to limit the number of homosexual relations and rapes.

If prison is a form of psychological castration, some see homosexual activity as a means of reaffirming their virility, encouraged by the absence of rooms for conjugal visits and by the negligence or meanness of some guards. Void of any of the burden of affection that is frequently found between partners outside, homosexual activity in the cells is a way of reaffirming power, of maintaining hierarchies, without emotion, without sentiment, and often indulged in out of boredom or as the result of mental disturbance. While it is stigmatized in men, homosexuality is tolerated in women, as here the risk of infection with AIDS or other sexually transmitted diseases is minimal. Moreover, female homosexuality is not associated with rape, being a relationship accepted by both partners. For this reason women's cells are frequently the scene of episodes of jealousy, tears, and betrayals, but also of acts of tenderness, and relationships that sometimes continue even after release. [182]

„Mizeria sexuală impusă, experienţa sexuală la vedere, spectacolele sexuale şi violurile – toate aceste «dezordini sexuale» sunt întreţinute forţat de administraţie. Neautorizarea relaţiilor sexuale este un semn al puterii discreţionare a acestei instituţii."[183]

In order to discharge tensions and consume excess physical and mental energy (which are obviously greater among the young), prisoners are taken out to walk every day and encouraged to get involved in sports activities. Football is the sport most in demand, but as there are insufficient pitches for all the prisoners, many have to remain on the margins, spectators at matches played by the guards' favorites and those with good luck on their side. The lack of grounds and equipment for most types of sport leads many to stick to fitness

[182] "Married too young to husbands who have not known how to treat them with tenderness, it is only in prison that the women discover the meaning of caresses, endearments, and love. When experiences are intense and long-term, the relationship does not end even with the release of one of the partners. The one who is still inside receives visits from the free one, who is preparing the place where they will spend future years together." Anca Ionescu. Reflexii penitenciare (Prison reflexions), unpublished manuscript.

[183] Dominique Lhuilier and Aldona Lemiszewska. op.cit. p. 188. Telling in this context is the resistance of the authorities when the issue arises of condoms being distributed by non-governmental organizations. The prison staff deny that sexual relations take place, or attribute them to a small number of degenerates.

exercises. And even these are not done in an organized way, to music, as audio cassettes with music for aerobics are forbidden.

As it is not used for sports activities, the daily hour of walking in the open air is spent on various games: checkers, cards, rummy, and less often chess. All over the narrow yard beside the cell-block, groups of players, reserves, and supporters gather, participating in veritable championships. Sometimes the stakes are high, with the losers performing costly services for the winners (cleaning the toilet, washing the clothes, sometimes pledging in advance the packets that they are going to receive from their relatives, or even various demeaning activities). Because games of chance engage major material resources and change the relations between individuals, the authorities forbid them, and confiscate cards and dice. But as a way is found around every interdiction in prison, the games of chance continue regardless, with dice made from bread and cards from chocolate wrappers or pieces of cardboard packaging.

As activities like reading, sculpture and painting are practiced only by a small number of individuals, the most seductive recreational pastime that remains is the television. News broadcasts are particularly interesting for the prisoners, not so much because they keep them connected to the world outside prison, but because they inform them about future clients of the establishment and about the how the trials of their colleagues are proceeding. Relations between inmates and the press is ambivalent and tense.[184] News or documentary broadcasts from prisons distort reality (as they see it), or hide many important things, tarnishing even more their public image and reinforcing the stigma that already exists. Certain reporters are the object of permanent irony, and their appearance on the small screen—even when they are presenting something totally unconnected with the prison environment—arouses unanimous expressions of antipathy. Jokes made about them provoke hoots of laughter that are incomprehensible to the uninitiated. I was

[184] Pascal Décarpes. Prison et medias: une relation ambivalente et conflictuelle qui stigmatise. Université Lille II, Droit et Santé, Faculté des sciences juridiques, politiques et sociales, octobre 2001. In this dissertation, the author not only monitors the appearance in the press of stories about French prisons, but also records interviews with individuals involved in the most important events (prisoners, guards, representatives of the central administration) and with well-known experts, in particular Véronique Vasseur, author of Médicin-chef a la prison de la Santé, published by La Cherche Midi in 2000. The paper demonstrates that the prison cannot possibly develop other ways of relating to the press, as long as the one seeks to hide itself from media attention while the other is in search of the sensational.

witness to an incident in which the loser of a dice game was made to imitate the ProTV reporter Cătălin Radu Tănase in front of several hundred prisoners, who were highly amused at the way he described the opulence of prisons and exaggerated the rights and atrocities of those within their walls.

As a result of negative experiences with the press, journalists are regarded with hostility when they come into prisons. Many prisoners refuse to talk to them because they know in advance that the information that reaches the public will be deformed, trivialized, or exaggerated. On the other hand, they make use of the press when they are in conflict with members of staff, or with the prison management, using it as a form of blackmail. Threats of exposure in the press sometimes have an effect on prison staff, who know that it will be difficult to restore their image after it has been damaged by the media. It may be that the point of the ban on using cell phones is precisely to prevent the transmission of recordings or announcements to the press.

Accustomed to being on the periphery of society, the prison (through the individuals that populate it: inmates and staff alike) is more sensitive than other public institutions to the appearance of stories about it in the press. While prisoners avoid journalists of their own accord, without being subject to any constraint, staff are obliged to refuse interviews, or to limit themselves to ambiguous statements and a standard discourse about respect for law and order and tough working conditions. In order to carry out its function, the prison tends to develop a degree of autonomy in relation to society, to avoid discussions with public figures (most of whom are perceived as being unprofessional or promoting their own interests) that would continually put it in the position of having to justify a policy that goes beyond its own authority, as it is inevitably linked to the way justice functions in society. By avoiding the press, the prison excludes itself even more from the public space, and then makes this exclusion a motive of resentment and a justification of all the negative activities that go on within its walls.

While prisoners' relations with the press are irritating and rare, a large part of their free time is taken up with commenting on radio and TV broadcasts and on the written press. Each program they watch is gone over again and again, and discussions about the subjects treated, and about the behavior, clothes, and style of the participants may continue late into the night.

While access to the telephone is restricted, and conversations are listened to by the guards, letters remain a preoccupation of the majority

of prisoners, even of those who cannot write. The role of writer, of composer of correspondence, is a highly regarded one. For fear of losing the support of those left at home (since someone that no-one seems to want is automatically disgraced in the eyes of their fellows), many try to describe as vividly and convincingly as possible the situation inside the situation inside, the stories they have heard, and the most interesting events.

An analysis of the letters sent and received by five inmates (three men and two women) of Rahova Penitentiary reveals a number of common features: an exaggeratedly loving tone toward the husband/wife and children; a detailed account of the atmosphere in the cell, of the food, of the guards' behavior, with strong but suggestively chosen metaphors and epithets; descriptions of cellmates in very harsh terms, in order to highlight the difference, the distance that separates the writer from them; requests for information about people and places, not only those close to the writer, but also some that would be of little interest in other conditions, but that represent anchors of freedom for the prisoner; detailed reports of physical and psychological pain, and excessive requests for medicines; advice for loved ones on how to avoid any trap that might bring them into prison; a preoccupation with the family's goods and animals, and reports of all sorts of tales heard in prison about similar goods and animals; insistent requests not to be late on the day appointed for the next visit, and so on.

In some letters we find a repetition of the themes from prison songs, especially those addressed to parents, begging for forgiveness for the suffering the writer has caused them, and showing a preoccupation with the state of their health.

In letters to the authorities (members of parliament, ministers, various public figures), the tone is official. The prisoners adopt the wooden language of the staff, but without the polish that comes from frequent practice, and so appear in the role of humble suppliants, of beggars seeking undeserved assistance. Their merits and the injustices they have suffered are badly expressed, in an exaggeratedly legal context that makes them seem almost insignificant.

As the letter represents a major investment in freedom, it is conceived with great attention to detail. The prisoner is left in peace by his cellmates while he is composing it. And the arrival of a letter is certain proof that he means something for someone outside, and so lifts him up a rung in the informal hierarchy. For this reason, some have begun to correspond with people outside Romania, especially in

Western European and North American countries, in order to demonstrate still further that they have a value for important people in the civilized world. In Rahova Penitentiary, the murderer of the famous singer of light music Mihaela Runceanu spends a considerable part of his free time discussing with the staff and with other "MSV-ists" (from the initial letters of "hard labor for life" in Romanian) every sentence that he would like to write to an Italian with whom he corresponds, and trying to unravel the meaning of every word written by the Italian.

Conscious that their prison sentence will stigmatize them even after their release, many plan a future abroad, and so learn foreign languages. Italian, Spanish, and English are particularly popular, and dictionaries and language manuals are the books most frequently traded between cells. Those with knowledge quickly become appreciated as teachers, and can demand large fees from those without knowledge who are eager to learn (fees most commonly paid in the form of cigarettes).

Religion also animates the convicts' free time, in the first place through the activity of the representatives of various denominations who distribute materials and try to attract converts. Jehovah's Witnesses, Adventists, Pentecostals, and Mormons are the most frequent visitors to prisons, a territory that has been almost abandoned by Orthodox priests. It is only since the autumn of 1993 (when the General Directorate of Penitentiaries signed a protocol with the Romanian Patriarchate), and in particular since 1997 (when the communist leadership of the Directorate was changed), that the clergy of the dominant religion in the country have begun to make their presence felt, sometimes timidly and sometimes with pomp, but rarely efficiently. They tend to withdraw into churches in the prison in the prison grounds or improvised chapels in the blocks, and seem either to be overwhelmed by the huge number of parishioners placed under their care or to be poor ministers of the divine dispensation. They rarely enter into discussions with prisoners, as the representatives of other religious movements do, and equally rarely make contact with the priests of the convicts' home parishes. As the prisoners are looking not only for someone to talk to them about the Word of God, but also for material assistance, some priests have begun to bring aid of various kinds, especially to those who are not supported by families outside, giving practical expression to the words of Christ: "I was in prison and you visited me" (Matthew 25.36).

In a world in which the fear of divine punishment haunts the minds of the convicted sinner, gifted priests sometimes manage to offer the

most important moral support.[185] Paradoxically, faith in God is more frequently manifested among the inmates of prison establishments than among the populations of other, free institutions. But the fact that the priests are kept in a marginal institutional position limits the therapeutic role of faith. And this limitation comes from a conception rooted in the humanism of Thomas More and Jean Jacques Rousseau, which stipulated that man must be the author and master of his own life, without help from Above, indifferent to divine sanctions. Snatching him away from the religious center that he had looked up to for centuries, humanism threw him fatally astray and into an abuse of his own nature. "[186].

---

[185] *"I had done about a year of mission work in prison. I was also tired, because every sermon was followed by a host of questions, from which I emerged totally exhausted. After each service I was unable to do anything for about two days; it was as if I was dead; I had been squeezed dry of all the good energy that was in me. One day I said: Enough! I'm not going back to the prison. Whoever wants to can go: I'm tired. For about two months I didn't cross their threshold, and then one day I decided to go and see them: I missed them; I wanted to know how they were getting on. After I had celebrated the Liturgy one man came up to me, invited me to one side, and started talking to me. He asked why I didn't come to them any more, and I started to explain, in a roundabout way. The man understood. Prisoners are very good psychologists, you know. They understand at a glance what's going on in your mind. Like any servant, I get many coming to me with various problems: one has nothing to put on his feet, another has nothing to wear, another has nothing to eat. This prisoner guessed that I had got tired of all that. And here's what he did: he opened a few cupboards and showed me what was in them, from the smallest trifles to the most expensive drinks. 'You see,' he said to me, 'we've got everything here, but we miss one thing. We miss your smile that makes us feel an atmosphere of fellowship, of family. We're tired of the grim faces of those who guard us, who only smile if we give them something. We miss something human. You've got to come here and smile so that the prisoners can feel your spirit of peace and love.' Then he said: 'When you come to us, the whole atmosphere in the prison changes and it's our turn to have a little celebration.' When I heard these words I nearly wept. It touched me more than when my mother tells me she loves me. I realized then how much these people need us, and I resolved that from that day on I would do everything possible to visit these people and to celebrate the Liturgy for them. It's not easy, because many temptations come from the Devil, and because the prisoners sometimes say wicked things to you. But we have to endure all that because Christ also bore endured much at the hands of people."* Rev. Hieromonk Lazăr of Tighina Penitentiary, Moldova, interviewed by Alexa Osipov, from the website of the Orthodox Moldova Centre for Monitoring and Strategic Analyis, www.cmas.md

[186] Nikolai Berdiaev – "Un nou Ev Mediu," Ed. Paideia, Bucureşti, 2001, pag. 13. "Umanismul este o întreprindere care n-a reuşit, care n-a glorificat pe om, cum l-a lăsat să nădăjduiască. Făgăduinţele umanismului nu au fost ţinute. Omul încearcă o oboseală imensă şi e cu totul gata să se sprijine pe orice fel de colectivism, în care ar dispărea definitiv individualitatea omenească. Omul nu-şi poate îndura părăsirea, singurătatea... Revoluţia franceză, pozitivismul, socialismul şi închisoarea sunt în acelaşi timp consecinţele umanismului ca şi simptomele sleirii puterii creatoare a acestuia."

If man's intellect is "tabula asa," his nature can only be cultural, the result of a social education. Any behavior can be imprinted on the amorphous flesh of the individual. Consequently, if it is possible to depersonalize the prisoner (who, because he has erred in relation to society, is fundamentally structured in a bad way), another better identity may be inscribed in his being. To get to this position, he must first be subjected to the harmful actions of the prison group, which destroys any moral foundation in him and anything that still kept him linked to people outside. And when he has been brought to this state of reduction to nothing, of depersonalization, the process of reeducation can start on a scientific basis. The aim of this education is not just the mere elimination of an element harmful to society by shutting him in prison, but the radical transformation of his nature, in order to create, to give birth to a new man.

But for people to be able to think this way it is necessary for a catastrophe to take place in the most intimate structures of their being: the elimination of God and their own elevation in His place. While for centuries man was considered to be a divine creation, to be changed through the work of divinization, now the confluence of the calculations of pure reason and materialist determinism has brought us to the conception of man as a creating divinity. And when man is God, any experiment performed on people is permitted without reserve. When man took on himself the function of creator and simultaneously denied it to others, as if they were formed out of another, inferior material, it is clear that somewhere in his psychological structure a large-scale deformation took place. When there is no difference between a piece of iron subjected to modeling and a man subjected to reeducation, the same working methods can be applied to both the man and the iron in order to obtain the desired result. In the light of this reasoning—stripped of any human feeling—one may have any sort of attitude toward the prisoners. Chisel away in order to bring out of the amorphous stone a model that exists in your imagination. If you don't succeed, it doesn't matter. There is plenty of raw material. The quantity consumed is set down as "profit and loss" just as in any account book—with the loss taking the form of the aberrantly high rate of recidivism.

How else can we explain the degradation to which the prisoners are subjected other than by the absence of the religious sentiment (in the concrete form of love and care for others) among the prison staff? When you truly love and you are profoundly religious, you can forgive and help those who are in a worse situation than yourself. You cannot rest when

you know that the weak are forcibly subjected to perverse sexual relations, when you see the moral health of the prisoners decaying, when their human behavior is deteriorating. You too could end up in their situation. Almost all people commit at least once in their lives acts punishable by the law, according to the conclusions of the leading Canadian criminologist and sociologist Marc Leblanc, who argues that what separates the convict from a host of other people with similar inclinations is merely a matter of whether circumstances are favorable to committing an offence and then being caught.[187]

And if that is how things stand, then any reeducator must help his prisoners to be reborn, to understand that there is someone, somewhere, who sees them, who watches over them, and, above all, who loves them. But this would first require the prison staff to reeducated, to be sent to a religious recovery center in order to receive what they have missed for so long: love for their fellow humans, care and respect, spiritual opening and total sincerity toward the prisoners. If jail is a source of numerous defects and a major change is called for, then the first thing to be done is the reeducation of the staff or their replacement by priests. For if the penitentiary is the place of repentance, the moral guides ought to be servants of God and the apostles of Marx. And how else can we regard those running the prisons, if they prefer to employ people with an army, airforce, sport, or musical background, or any other qualifications (indeed often no qualifications at all) in the role of reeducators—anything but priests?

It is clear that a reaffirmation of the role of faith in the prison environment must take place when the governmental structures in charge of prisons become conscious of the bankruptcy of the ideology that lies behind the institutions of punishment. An increase in the number of theologians employed in the system would reconfigure the structure of free time, helping to transform it from wasted time to recuperative time.

In the absence of religion as a source of moral authority that structures the relations between individuals, psychologists and doctors take on the role of advisers. It is easy to observe a veritable internal tourism from the cells to the psychological or medical room and back. Whether their problems are real, or, as often as not, imaginary, prisoners spend minutes on end queuing, and then confessing and seeking

[187] Quoted by Rev. Prof. Lucian Cristescu, "Religie în penitenciar?" (Religion in Prison?), Revista de Ştiinţă Penitenciară 1(5)/1991

explanations and advice. For the authorities, the assault on the medical rooms can be put down to the prisoners' desire to get out of their cells at any cost, and into a cleaner space, in the course of which they have the chance to procure new information and objects, and to make contact with valued individuals outside—or just to get closer to other people, generally female: nurses, doctors, psychologists, etc. Beyond these explanations, the patterns of internal tourism reflect the desire for symbolic protection of the self, the attempt to restore the personality. Communication with civilian staff is a way of refusing communication with guards and ex-police officers. That the latter would be replaced by qualified civilian personnel was one of the hopes invested in the demilitarization of the system, hopes which were dashed by the overnight transformation of former militiamen into police and then into civil functionaries. Anyone who knows how prisons operate knows that the removal of repressive elements and their replacement by priests, doctors, psychologists, sociologists etc. would not in any way affect the safety of the staff, of the institution, or of society. It would, however, lead to the disappearance, or at least the reduction of unworthy behavior: beatings, insults, contempt, and the whole arsenal of abuses committed with the complicity or tolerance of the military superiors. The explanations offered by the authorities that specialists refuse to work with criminals and to accept the conditions of privation specific to the closed environment are lies: salaries are sufficiently high to attract specialists, but they kept at a distance by the system, and only employed when they prove that they are willing to submit obediently.

The composition of the personnel thus has an effect on the structure of the convicts' free time. They prefer contact with representatives of NGOs (especially those that criticize the central administration), knowing that these have proved over time to be among the few forces that have contributed to the humanizing of the prisons. In the face of open expressions of contempt, and refusal to respond to their observations, the NGOs have systematically bombarded national and international public opinion with the problem of the prisons, ultimately forcing the authorities to agree to some reparatory measures. By monitoring how the rights of those in detention are respected, NGOs have become the principal institutions militating for penal reform. Although they were initially despises and obstructed, the actions they have initiating are now motives for pride on the part of the authorities, achievements that they now claim unjustifiably but ostentatiously for themselves in front of anyone willing to listen. For example,

demilitarization—an idea that they had vehemently criticized, against which they went on strike in 1997, and which they refused to debate publicly—became a motive of reformist pride for all the staff of the General Directorate of Penitentiaries once the change had become inevitable.

The analysis of the prisoners' free time reveals procedures of destigmatization and recovery of dignity. The content of these procedures is the result of mechanisms of negotiation between the prisoners and the psychological and social environment. They develop according to the resources available to each individual, but are manifested in predictable ways: from learning to recover prestige (through codes of honor and the multitude of informal rules), to adopting the carapace of logorrhea (through interminable discussions about their sex life, personal history, children, dreams, feelings) and then the mutual carapace (through the anesthetizing of all emotions and the neglect of the body). Only the approach of release reveals the value of lost time, as the fear of what the future holds finally pushes them to seek honorable solutions of integration in the community. Half of them do not find these even after leaving prison, and indeed return to the cells with a feeling of relief, since they have learned to manage inside better than outside, and can get within the prison walls all that society outside would give them only on the basis of rules that they have long forgotten. But those with strong connections outside find it easier to relearn the rules of life in the free world, understanding that their free time in prison has been spent uselessly and aberrantly on the chariot, in the visits room, in sterile discussions and degrading relationships.

The approach of release is paralyzing. The individual no longer goes out to work, no longer participates in any activity, waits for time to pass, and becomes more and more nervous. "In the morning, they shaved with care, but probably the emotions of the moment made them cut themselves. Their throats and cheeks were scored with thin red lines. They dried themselves carefully and perfumed themselves with whatever they could find, to get rid of the prison smell that had got into their skin. Then they went to the visits room, where family members were waiting for them with civilian clothes. They preened themselves, combed their hair, and strode proudly through the prison yard showing of their clothes of freedom."[188]

[188] Octav Bozânțan, op.cit. p. 189

Education

The issue of education is fundamental for an understanding of the level of civilization of social groups, institutions, peoples, etc., because it is defined as the modality by which people acquire the knowledge and develop the abilities necessary to enable them to adapt realistically to their environment, and to modify it with a view to increasing well-being and individual autonomy through control of their emotional reactions and respect for the goods and freedom of others. From this point of view, prisoners are seen as people in whom there has been a rupture, an educational blockage. The acts that make an individual become a criminal are determined by a profound lack of respect for others, and are evidence of a powerful egocentrism, which does not take account of the needs and freedoms of others, while at the same time betraying a lack of self-respect, a low valuing of the individual himself and of those around him. A prison sentence is imposed by judges in order to change the criminal in a positive direction, with the aim of opening up new horizons for him and teaching him new skills and knowledge that will be useful both to him and to society. The pedagogical role of the prison has been affirmed from the very beginning. The inscription on the façade of a prison founded in 1702 in Britain states that there is no point in punishing the wicked if it does not help to make them better. From John Howard and Cesare Beccaria to the present day, all theoreticians and specialists have postulated the necessity of educating imprisoned people. Studies all around the world consistently show that convicts have a low level of schooling, being "educational deviants" before they became social deviants. If school was not an attractive institution when they were free, it is hardly to be expected that it will become interesting in prison. The repulsion is reinforced by the infantilization that school presupposes: treating adults like children, making them repeat texts and pointless-seeming exercises, etc. Offering neither the chance of an interesting job nor an intellectual carapace to help one to confront existence, school for those in prison is no more than another activity that gets them out of the cell, fills their time, and gives them something else to talk about.

While school is as repugnant to them in prison as outside, education is vital. In the first place, it can enable them understand the process to which they are subjected, the laws that may permit the reduction of their

sentences. In every establishment there are prisoners who read the laws with care and initiate legal action against the state, the prison, victims, families, or acquaintances in order to obtain some advantage. Prisoners who have "business" (trials in progress) are regarded with respect by the others and helped to understand better the mechanisms of justice and the meaning of the laws. In contrast, prisoners who try to study the lessons they have received or to do school exercises are condemned as "intellectuals," and rapidly become the target of stinging irony and mockery on the part of the others.

The role of the prison staff in promoting education—as recommended by all international organizations—is ignored by staff and prisoners alike. By the staff, because they are subjected to varying patterns of work and to contradictory and changing regulations. By the prisoners, because they generally see the staff as brutal and uneducated individuals from whom they have nothing good to learn. The persistence of the negative image of the staff is encouraged by the haste with which some of them have obtained degrees from the worst private universities (some openly boasting of having bought them from universities whose credentials are contested by the Accreditation Commission), without going through the normal cycle of the educational process: attending courses, participation in seminars, preparing for and passing examinations. Exceptions are the few specialists whom the prisoners seek out for interesting discussions relating to the judicial system, the understanding of the personality, or of illnesses, etc.

The vast majority of course held in prisons are attended for reasons external to their intrinsic content. Either the teacher has a manner or a physical appearance that arouses their erotic fantasies, or she brings them cigarettes and lets them smoke in class, or she maintains contact with members of their families, or she brings them adventure novels, newspapers, and other "cultural" goods. Even if the educational aspect of the courses is highlighted in all the reports, their positive influence on the behavior of the prisoners is minimal or non-existent. Without a doubt, some convicts have more interest than others in raising their level of schooling, and make an effort to study in completely inadequate conditions (with twenty to thirty cellmates, continuous noise, and the distraction of endless and varied discussions). They may take refuge in education for many reasons: getting rid of feelings of guilt, seeking immediate gratification, improving access to higher institutional positions, etc.

According to some specialists, "education is an instrument of power" [189], as it aims at modeling the personality without taking account of the fact that each individual is alone competent to decide what he or she should do in life. Apart from this persuasive aspect, education in some prisons is frequently in competition with work, with the convicts enjoying access to a very limited number of hours of teaching. For this reason, only very few prisoners have enrolled in continuing study programs: "On 15 July 2003, a total of 1,382 prisoners and juveniles offenders graduated from schools and classes in the penitentiary system, as follows: 658 from 1st to 4th grade, and 724 from 5th to 8th grade." A similar number obtained qualifications or at least basic training in various trades: "joiners (252), locksmiths (113), bricklayers (86), beekeepers (73), cooks (65), clothes-makers (64), vegetable growers (41), computer operators (41), typists (24), auto mechanics (39), confectioners (14), etc." [190] The lack of attraction toward these trades results from the low value attributed to them and the conviction that they do not really help one's reintegration in society. Moreover, prisoners tend to belong to unstable social categories, who often change their dwelling places, jobs, and interests.

Inclusion in education programs is limited for certain categories of prisoners: for example those in isolation, those in preventive custody, those with short sentences, and those about to be released. These limitations go against the principle of reeducation and access to teaching.

The poor educational offer (few or poorly trained teachers, class time replaced by various more lucrative activities, lack of textbooks and minimal teaching materials, classes scheduled at unsuitable times—in the evening, after returning from work, etc) is supplemented by a series of programs initiated by non-governmental organizations: "materials and skilled workers or instructors for craft type activities; materials for painting; instruments and teachers for music groups, scenery, costumes, and actors and/or directors for theater shows; facilitator for a literary circle; actor coordinator of a satirical review group; make-up editing, paper and copier for magazines; materials and organization of exhibitions; materials and journalists for the setting up of TV and/or radio studios; donations of books, magazines, and newspapers; literacy

[189] Alain Cugno, "Sortir de l`education," www.farapej.fr

[190] DGP (General Directorate of Penitentiaries) – Raport de activitate 2003, chapter "Activitatea cultural-educativă," electronic edition.

programs (in prisons where the employment of a teacher has not been possible); programs of preparation for release; programs of legal assistance; programs of professional training (learning new trades for post-release reintegration); programs of religious assistance; donations for prisoners without outside support; programs of assistance for prisoners with families, especially to resolve their children's problems; events organized at festive times; organization of competitions in painting, literature, crafts, or theater; education through theater groups with a view to re-socialization; psychological counseling, violent behavior reduction groups; prison stress management groups; the therapeutic community—a complex program of modification of criminal behavior, reduction of violent behavior, and preparation for re-entry into society; prison stress reduction counseling—a program for prison staff." [191] It is estimated that more than half the prison population have participated in at least one such NGO program, and that these organizations have attracted over a million Euro annually in foreign aid to fund their activities.

More important that these programs for convicts, however, is reading. According to Joëlle Guidez , the main function of reading in prison to forget the time that does not pass. [192] As reading reduces the agitation in cells, some staff encourage the practice. Often they borrow books from public libraries, as the bookstock of prison libraries tends to be small, consisting since 1990 entirely of donations. The librarians lack of interest in signing agreements with various institutions (ministries, schools, charitable foundations, embassies, publishers, etc.) for the purchasing of books is also the result of the lack of adequate space to store them and for reading. In spite of the fact that libraries are essential instruments in the process of education and formation of the personality, their role is marginalized, as is shown by the fact that in recent years, prisons have not bought a single book out of their own funds. Libraries are generally situated in the social-educational buildings, and prisoners can visit them only after a written application has been approved—and even then they do not have direct access to the book shelves. Proposals that mini-libraries should be build in the club rooms of each section or floor have been rejected for various reasons.

[191] Mihaela Săsărman, Programe şi proiecte ale organizaţiilor neguvernamentale în penitenciarele din România (Programs and projects of non-governmental organizations in Romanian prisons), Bucureşti: GRADO, 2003

[192] Joëlle Guidez, "Lire en prison," Bulletin des Bibliohteques de France, vol. 47, no. 5, June 2002, p. 74.

For many years a list of authors and titles were forbidden (until 1997 including Soljenitsin, Dostoevsky, and books by political prisoners, together with the viewing of the state television series "Memorial of Pain" [193]), and the lifting of the interdiction did not lead to the purchase of the previously taboo reading materials. The ban on computers and on prisoners' access to the internet is another way of limiting their right to read. In recent years the stocks of prison libraries have been enhanced with books in foreign languages (Arabic, English, Chinese), left by various foreign prisoners or by embassies.

The tendency to fill the prisoners' program almost entirely with educational projects—as may be observed in civilized countries like France—will produce significant changes in the prison environment of future years. Teachers from various free institutions will be able to propose a variety of courses and programs, with their offer being accepted and paid for according to the number of prospective students. The stimulation of specialist intervention in educational activities will lead to an increase in the number of prisoners enrolled at university (at present only seven are engaged in some form of higher education) or various course outside. Recognition of educational efforts by the commission for reducing sentences will stimulate the enrolment of more and more convicts on courses.

[193] The right to read is a right which cannot be limited or restricted by the decision of any judicial or administrative authority. However reading presupposes an intellectual autonomy, which involves standing apart from the collective mass, just as with religious belief. It consecrates the right of the individual to withdraw from the world and to connect to another reality, one that is freely chosen. Banning or limiting access to certain books, or banning reading in electronic format constitutes a denial of the right to read.

Work

The use of prisoners for work was for a long time a normal, even an obligatory practice. Due to increased public awareness of the harsh working conditions on the Danube-Black Sea Canal, on construction and road-building sites, or in quarries during the years of Sovietization in Romania, many think that the barbaric exploitation of convicts is a practice specific to communist regimes. In fact the use of prisoners for hard labor was general practice in the nineteenth and twentieth centuries all over the world, even in civilized countries. In the USA, "chain gangs"— teams of convicts working in conditions that endangered their health and subjected to brutal treatment on the part of their supervisors—were a frequent sight until the mid-1960s. In England and Wales, it was only in 1970 that the Advisory Council on the Penal System proposed the regulation of prisoners' work (through the Wootton Report), while the 1973 Powers of Criminal Courts Act stipulated that a prisoner could be sentenced to a minimum of 40 and a maximum of 24 hours work in the service of the community, but only if he consented to such a punishment. In Canada, the 1970 Criminal Code stipulated that working conditions must be reasonable, and that work should be used only as part of a probation program, under the supervision of non-governmental organizations such as the John Howard Society, the Salvation Army, or Aboriginal groups. And it was only in 1992 that the Council of Europe recommended that its member countries adopt a normative framework to prevent inhuman working conditions (Recommendation of the Committee of Ministers R(92)16, 19 October 1992).[194] The English system has also inspired other European countries (the Netherlands and Germany in 1975, France in 1982), which have regulated by law the minimum and maximum number of hours that can be worked, the conditions, and the advantages for the convicted person.

Due to external and internal pressure, Romania too has aligned itself to European practice, outlawing forced labor. Sentences to labor or

[194] Edwin A. Tollefson,"Munca neremunerată în beneficiul comunităţii ca sentinţă în Statele Unite, Canada şi Uniunea Europeană," Revista Institutului de Reforme Penale din Republica Moldova, www.irp.md

hard labor have been abrogated, and the use of prisoners for work without their agreement and without any advantage for them (pay, reduction of sentence) is now regarded as double punishment or, worse, inhuman treatment.

These regulations have radically changed the situation in some prisons. As they are longer obliged to take prisoners out to work, the staff make no effort to negotiate outside contracts, and keep them in their cells over 23 hours per day, to the detriment of their physical and mental health. Especially in the Bucharest prisons (Rahova and Jilava), the prisoners do not have the possibility of going out to work even if they request it and meet the legal conditions (not to be infirm, elderly, sick, in preventive custody, recidivists, or sentenced for serious crimes or for twenty years or life). This managerial irresponsibility is justified by the fear that prisoners will escape or leave the workplace (resulting in punishment for the staff, from the simple guard to the commandant), the fear that the work will be considered degrading by some interested journalists, and the great fluctuation in the prison population. In fact the managers of companies that have proposed to employ prisoners and have been refused by the prison administration declare that the real motives for refusal are quite different: they have been unwilling to agree to illegalities proposed by the administration (employing some prisoners "under the table," paying illegal commission, sending prisoners to work at the villas of members of the prison administration, etc.). These immoral and illegal practices are not only found in prisons, but other military environments, where soldiers are taken to work on the building of their commandants' houses or for the companies of individuals involved in all sorts of shady deals with the heads of military institutions.

Legal or not, more and more prisoners ask for work, because it allows them to leave the cells and to make contact with various people outside, who can help them—sometimes voluntarily, but generally for a price—to obtain a range of precious goods or information: a packet of cigarettes, coffee, a newspaper, sometimes even a job after release. In addition, going out to work leads to days off one's sentence, and so contributes to early release, and the pay (one third of the full wages) allows one to accumulate a sum of money that will be useful when one comes out of prison.

For these reasons, some prisons have agreed to send most of their inmates to work. At Iaşi, for example, almost all the prisoners are taken to work outside the prison, the remainder either being sick, elderly,

recidivists, or dangerous, or having refused this activity. As soon as the arrival of prisoners on the labor market was announced, many employers were interested in hiring them: they are paid the legal minimum wage, are subject to severe discipline, do not come to work drunk or get drunk on the job, do not steal or go absent, and are watched over by guards, who at the same time keep an eye on the other workers.

As well as these positive aspects, a range of inconveniences related to work emerged in the course of discussions with prisoners. [195] In the first place, prisoners are frequently beaten without any reason by masked guards. This maintains a state of tension, in which any complaint results in a ban from work, and will certainly not be resolved in the prisoner's favor. In the second place, their food is insufficient in relation to the effort expected of them. Most proposed that the excess fat in their midday and evening meals should be given up and their breakfast should be supplemented. Thirdly, the working program of over eight hours a day, including Saturday and Sunday, affects their other cultural-sport and educational activities: they can no longer attend classes (and so cannot continue their schooling), or take part in football matches, religious services, or activities organized by NGOs, and they no longer have time for a range of hygienic activities—washing, ironing, sewing, repairing, etc. Their proposal was that at least at the weekend the working day should be reduced to four hours. Fourthly, work affects their program of visits, as relatives cannot find them at the prison when they come to visit and have to change their own program to fit in with the hours of work. They proposed that visiting hours should be extended till late in the evening, so that neither prisoners nor relatives would have to take time off work. Fifthly, working conditions are very harsh, with frequent accidents (broken fingers, wounds, etc.), and health and safety provision leaves much to be desired. They do not enjoy the normal rights of workers: they have no right to paid holidays, to form a trade union, to delegate a representative to negotiate with the company or with the authorities, to strike, to have breaks from work, etc. Thus work is often regarded as a form of slavery, chosen only because there is no alternative. Slavery as reward is a form of barbarism like that of feudalism, when convicts preferred to serve on the rowing deck of the galleys rather than being imprisoned. Sixthly, the retention of three quarters of their pay by the prison is a form of legalized theft; the money

[195] The conclusions are based on discussions held in the summer of 2004 with over 100 prisoners in Iaşi Penitentiary and two employers.

is not used to improve the conditions of detention, but rather to modernize the administrative buildings, to buy new uniforms for the staff, etc. And the quarter that is left (the equivalent of maximum 20 Euro per month) is not properly looked after, put in the bank to earn interest, but is exposed to devaluation, its value diminishing as the months and years pass.

In any case, work for various private companies is preferred to work in the prison service's own "Multiproduct" factories, where conditions are harsher and abuses more frequent. And it is categorically preferred to work in the prison workshops, many of which are old and badly ventilated, and where the absence of health and safety protection causes accidents and encourages disease.

Under the pressure of international organizations and with massive foreign finance, a program has recently been launched for the modernization and construction of workshops in all prisons. The planned changes will be major: in the first place the time spent traveling to work (which can amount to over three hours a day, including roll-calls at departure and arrival) will be reduced; secondly, the composition of the staff will be changed, with the employment of a significant number of foremen, technicians, and engineers from outside; thirdly, the prisoners will be able to increase their income by selling their products; fourthly, they will obtain qualifications that they will be able to use after release. Even if the workshops establish new power relations and new sources of profit for some "smart" staff and prisoners, reducing exchanges with the outside world, they will clearly bring about an increase in humanity through the simple fact that work in the open space of the workshop is preferable to lying in bed in a narrow and crowded cell.

Unfortunately, the qualifications offered are all at a basic level: locksmith, joiner, lathe-operator, welder, bobbin fitter, vehicle bodywork repairer, vegetable grower, cement mason, for the men; and for the women, dressmaker and weaver. When they are asked what kind of job they would like to have after release, most will answer: journalist, driver, photographer, auto mechanic, actor, waiter, electrician, shop assistant, etc. All these jobs—different as they are—give a value to the individual who does them. And most people in prison declare that if they could learn such a trade they would break away from their past. But nothing of this sort is offered them in prison. The destiny projected for them by the educators is one on the factory floor, in depersonalizing, low-paid jobs that will not provide a decent and respectable standard of living and a social position different from what they had before they were convicted.

Refusing the future prescribed for them by the authorities, some train for other possible jobs: sport teacher, judo instructor, footballer, stuntman, singer, dancer, musician, police officer, etc.—but only when the program permits. And the program requires them first to do unpaid work within the prison: tidying paths and buildings, cleaning toilets, pealing potatoes, washing dishes, washing floors, etc.

The future removal of the prison service from the care of the Ministry of Justice would bring radical changes to the conditions under which convicts work. In the first place, they would carry out work in order to compensate for the harm done to their victims. At present victims feel cheated by the state, which profits from the work of prisoners as a consequence of the harm that they have suffered. The victim should receive material compensation for what has been done to them, whether it is a matter of payment for damaged or stolen property, or of rape, assault, or murder. Although it is extremely hard to establish a price for life taken or harmed, criminals will have to pay damages to all their victims as a form of material reparation for the pain they have caused.

Secondly, work should be organized in such a way as to be profitable to prisoners and prison alike. The prisons will become able to maintain themselves, as they have access to human and material resources that are currently badly managed. Since crime affects not only the victim but also the state, the latter too should benefit from the punishment of criminals. At present, although it is itself an injured party, it is the state that pays the costs of detention, and these are far from small: food, accommodation, clothing, medical treatment, cultural-educational programs, security and staffing—together amount to several hundred Euro a month for each convict. Neither the state, nor its citizens, nor the prisoners themselves benefit from their being locked in cells. Imprisoned criminals are use for unskilled manual labor not because they are of low intelligence, but rather because of low managerial intelligence on the part of prison administration. If prisoners could qualify in profitable trades and be used for important work, this would enable huge resources to be attracted. Normally a person's income is limited only by their mind. An opening of minds toward profit would revolutionize the prison system. If prisoners were free to invest on the stock exchange, for example, not only a few prisoners and staff but some whole prisons could rapidly become wealthy. The possibility of putting their money to use in banks, investment funds, and in various financial speculations would encourage prisoners to specialize in

acquiring skills that would guarantee them prestige and respect in the society in which they have to become integrated after their release. But banning the use of a minimum of technology (telephone, computer, internet) keeps not only the convicts but also the staff in a state of intellectual and material primitivism, in which their thought is captive (to use Czeslaw Milosz's term), arrested by an ideology of poverty and violence, of barbarism and revenge, characteristic of an outdated totalitarianism, an ideology that has already been outlawed but is preserved by the state as a form of virtue in relation to the excluded.

Even in civilized countries, work is used as a punishment, by means of which criminals are exposed to public opprobrium. Most commonly, prisoners are sent to do unqualified work for local authorities, or for companies to which these authorities contract activities of public utility: planting seedlings, cutting down trees, looking after green spaces, repairing cultural and artistic sites (roofing Houses of Culture, painting statues, park benches and swings), maintenance of the drainage system, clearing snow, arranging bus stops, digging holes for signposts etc., tidying parks and cemeteries, asphalting streets, renovating public buildings, clearing litter from the streets, arranging refuse dumps, maintaining hospital incinerators, putting up notices, repairing books in public libraries, decorating the town for festivals (Christmas, New Year, Easter, local festivals), etc. Often prisoners are also used for agricultural and forestry work: cultivating and harvesting vegetables and fruit, collecting seeds, weeding plantations, looking after meadows, arranging parks and forestry stations, thinning forests, gathering medicinal plants, clearing the ground after trees have been cut down (stumps, roots, sawdust, etc.), mowing grass, repairing agricultural machines and tools, etc. It was only after a long period of refusal that it was agreed that prisoners could work in homes for elderly people, disabled people and children, first of all at administrative tasks, and later caring for the residents. This presupposed not only a careful selection of the convicts, but more than that, an acceptance of the principle of individualized punishment and an end to all prisoners being treated alike, regardless of their competence, abilities, and qualifications. As civilization penetrates deeper into the prison structures, convicts will be encouraged to do increasingly diverse and complex tasks, and the will represent an important source of wealth for their victims, for the prisons, and for the state. In the future, the problems that will arise in relation to prisoners' work will concern competition with free workers, the right of association in trade unions, how income is allocated, what types of

partnership are possible, and the movement of prisoners outside the immediate locality and even across borders.

Other indicators regarding services

The degree of civilization of an institution increases in proportion to the quality and diversification of the products and services that it offers, as well as through its use of modern means toward this end. Any civilization implies changes in a number of fields: 1) the degree and nature of individual autonomy; 2) the degree and nature of its member's participation; 3) institutional products, technologies used, controls established, and property; 4) sharing of profits and the mechanisms for the distribution of goods; 5) the quantity and quality of goods consumed individually and collectively; 6) the degree and nature of protection of the social and natural environment; and 7) the degree and nature of human relations within the institution. According to Jorge Graciarena, civilization is a specific and dynamic manner in which a social system adapts in a given historical context.[196] Civilization thus has a certain coherence and homogeneity determined by rules established at the centre, which are elaborated according to a policy agreed by its superior forums.

For this reason, the **policy of the national prisons administration** is an important indicator: the functionality of the penal mechanism depends to a large extent on the orientation of the central leaders of the system.

In European reports, Romania declared on 1 September 2002 that it had 629 employees in the central directorate and 2,690 in prison management. In other words, out of a total of 11,813 employees in the prison system, 5.3% worked in the directorate and 22.8% in the administration of local prisons. With a third of its staff working in administrative structures, Romania emerges as the country with the most bureaucratized apparatus in the whole European prison system. But that is not all: in the last three years, new posts have appeared in the administrative machinery, and the General Directorate of Penitentiaries has more employees than similar institutions in Germany (451), Spain (419), and France (331). This tendency toward bureaucratization has

[196] Jorge Graciarena, "Power and development styles," CEPAL. Review, Santiago de Chile, 1976, p. 173.

not been specific to the prison system alone, as the entire state apparatus saw a massive expansion in the years 2001-2004 under the Năstase government: for example, the number of local council employees tripled, while those at the county prefectures increased fivefold. This increase in staff was accompanied by a substantial increase in the financial resources allocated by the state. Salaries rose vertiginously (for example the monthly salary of the Director General of Penitentiaries in 2001 was 90,000,000 net—approximately $3,000—, after the deduction of taxes of around 45%), and the average salary of employees in the prison system was over three times the national average.

If we take into consideration the fact that the prison population fell by over 20% in this period, we can see that the irrational explosion of staff and resources exceeded the most somber predictions stipulated by "Parkinson's law," as the development of the administrative sector had no connection to the practical needs of the system. This massive bureaucratic expansion contrasts all the more strongly with the shortage of supervisory and workshop staff: Romania has the lowest staffing levels in Europe in these categories.

The sudden increase in employees in the central administrative apparatus and the funds allocated to them (absurdly, all employees of the DGP enjoy an extra allowance for dangerous conditions) brought a large number of inexperienced people into the prison machinery. At the same time, the most renowned professionals, who had made a name for themselves in national and international academic circles with valuable articles, conference papers, and books, were excluded from the system or encouraged to leave. Their removal made room at the top for people with no professional qualifications or reputation, who made themselves noticed only by their exaggerated praise of the authorities.

Being obliged to find something to do in a system that had no need of them, these individuals introduced all sorts of rules, regulations, and orders, which confused the rest of the staff with their incoherence and contradictions.

Gathered in a restricted space, often working only for each other, the employees of the DGP developed a world of rumor and gossip on an unprecedented scale, that went beyond the institutional framework. Although they present a united front on the outside, the staff constantly suspect and accuse each other of being Securitate agents, being foreign spies, having got their jobs through contacts, having mafia-type relations with other staff and even with prisoners, etc.

As beneficiaries of the political regime that employed them in undeserved posts with undeserved salaries, the functionaries of the DGP became not just sympathizers of the Social Democratic Party (PSD) but open enemies of its adversaries. They blatantly displayed their contempt for non-governmental organizations (especially the human rights organization APADOR-CH), and breached international custom in their refusal to respond in public to the latter's reports. Critical reports of foreign agencies were hidden from the public, which they bombarded with pitiful propaganda about their great achievements. The change of government and of those in charge of the central administration of prisons caused momentary panic among the functionaries, but they quickly responded, sending the new rulers messages veiled in academic studies, in which an anti-PSD and pro-PD (Democratic Part) orientation was now amply demonstrated. When a member of APADOR-CH became Minister of Justice, criticism turned to praise, and the same people now eulogized the achievements of an organization that they had previously treated with contempt.

Looking beyond these aspects, which are typical of the opportunism of functionaries in the administrative apparatus of the state, the alignment with the PSD is determined by the specter of a future in which there will be no place for the majority of those currently working in the prison service. Changes in European penal policy will bring major changes in the composition of the staff of the central apparatus of the service. Most employees come from the ranks of the police and the secret services, and it is predictable that they will lose their jobs once the mass-media have easier access to the system. An opening of prisons toward the community will increase the role of medical, psycho-social, and theological specialists, at the expense of military men with rapidly obtained law degrees from dubious private universities. Professional managers will take the place of magistrates at the head of prisons. Demilitarization will be followed by dejudicialization, and posts in the civil administration will be occupied by people whose professionalism has had to be proven in academic circles and not just before their superiors. The military principle of order and obedience, and the judicial one of unconditional submission to rules (often unclear or unfair), will be replaced by that of efficient discussion and of value. This is already present in the English-speaking countries in the form of "what's not working?," in which each activity and each allocation of resources is subjected to minute analysis of its efficiency, economic viability, and

public utility. Such a rigorous evaluation would lead to the disappearance of two thirds of the current administrative posts.

On the other hand, the current salaries (which are higher than those of doctors or teachers) will have to be adjusted or at least frozen for a considerable time, which will reduce the attractiveness of employment in the system. In all civilized countries, prison workers have a relatively low social status in the community. In the former communist countries they have long had a high status, due to their association with the military caste. Demilitarization will oblige them to make extra efforts if they want to maintain a high social position, especially by achieving recognition in scholarly associations. As their current professional level is very low, it is predictable that, stripped of their police ranks, they will be seen by the public as simply a group of state-supported profiteers and parasites. As happened with the Securitate agents pushed into reserve after 1989, who organized themselves into the sort of mafia-type business structures that have suffocated the economy of Romania over the last 15 years, it is to be expected that there will be a rapid regrouping of those excluded in the future from the DGP, along the already established lines.

The professionalization of the body of functionaries in the prison administration will be a difficult and long-term process, but political will, together with the experience of other democratic countries, could ease the process. Civilized countries have also faced similar problems, and some still face them. Accusations of bureaucracy and lack of professionalism can be heard in France, Spain, or Germany, not to mention the situation in other former communist countries.

If civilization advances by raising the quality of services and making them economically viable, an analysis of **budget expenses** must be made. With only the data presented on the DGP's website, without detailed breakdowns and without comparisons with previous years and with the structure of budget expenses in other European countries, a pertinent analysis is impossible. However the initial impression is of a completely unviable institution. The Report of Activity for 2003 shows that the state allocated almost 4,000 billion Lei for 42,000 prisoners, which means almost 8 million Lei per month to keep each convict in custody. And the budget was supplemented in subsequent years, both from public funds and from private funds and the prisons' own resources, while the number of prisoners was falling. Far exceeding the expenditure ceiling for other categories of assisted persons (not that prisoners should be considered as assisted persons), the penitentiary

institution comes across as an expensive structure to maintain, a parasite on society, whereas it should be bringing a supplement to the state budget. A transparent management of public money ought to be demonstrated on the website of each prison, together with the efforts made to make the institution economically viable. If staff salaries were to be established at present according to the performance of the prisons, the staff would have a lower standard of living than the inmates. Civilization means establishing standards regarding responsibility and respect for the wealth of others, even if this is designated as public money. The transfer of prisons into other types of property would speed up this process, raising at the same time people's quality of life of people and organizational performance, as institutions become more flexible and enter into competition with each other.

An investigation of the **public image** of each prison in the eyes of the community in which it is situated would bring them back into the local public space. Televised debates on themes concerning prisons would give a jolt to mechanism that are locked in outdated, anachronistic patterns. In the United States of America the results of surveys of perceptions of prisons appear frequently in the press. Their directors are public figures, and as such are subject to questions regarding the issue of public trust. Their post is thus seen as a springboard to other higher functions, while unpopular directors are rapidly changed. In order to maintain their status as local, and possibly national stars, directors have every interest in seeing that there are no negative echoes outside—not by blocking communication, however, but by solving problems. If the public were kept constantly informed about the problems of the prison, this would do away with legally instituted secrecy and would help other people to understand better the role of the prison in society.

The efficient functioning of the system presupposes the **professionalization and independence** of inspectors. There can be no end to the tradition of secrecy that generally surrounds prisons and all that goes on within their walls unless inspections are carried out by properly qualified people of integrity, and carried out frequently and unannounced. Their evaluation must be made concrete in the form of publicly available reports. At present, such reports are buried in the desks of superiors, inaccessible to the public who have paid for them. In any case, evaluations are of a minimal standard, often purely descriptive, without appreciations and always without negative observations. Thus it is hard to get rid of the suspicion that inspectors are bribed, and their

credibility is zero in the prison machinery as a whole. The practice of bribery, encouraging the purchase of all sorts of goods at ridiculous prices, or the granting of contracts to the companies of inspectors' relatives, extends not only to the majority of state inspectors but also to those of some nongovernmental organizations. Relatives of high-ranking functionaries have been encouraged to found such organizations, which have then become the principal partners of the administration, their laudatory reports being shown as examples of independent and impartial evaluation. When the representatives of nongovernmental organizations could not be bought, their reports have been ignored, criticized, minimized, or opposed with other contrary reports. In order to prevent this practice, one solution would be having inspectors accompanied by journalists and making their reports available to the press and the majority of employees, whether the inspections are official or unofficial, governmental or nongovernmental, national or international.

In spite of those theoreticians who have argued that it is impossible and immoral to classify civilizations (according to Bertrand de Jouvenel it would be very difficult to reach agreement on the appropriate criteria[197]), over the last fifteen years specialists have established a series of standards that should be applied in the evaluation of institutions. As places of detention are places where abuses have been noted with particular frequency, they have become the favored object of study of a number of professionals. Even if the standards developed in the West have their flaws, and are frequently criticized by Eastern Europeans, they have enabled prison services to function more efficiently for society, for the prisoners, and for their victims. In order for the lesson of civilization to be truly learned, it was necessary to discover that enrichment is not necessarily achieved at the expense of others, but by changing mentalities regarding punishment. The purpose of standards of civilization is not to abolish or to restrict, but to preserve and increase the rights of all parties involved in the penal system. According to Émile Durkheim, civilization is defined by the rising moral density of the population.

As no one person or group of people is capable of determining exactly the potentialities of other human beings, since their needs advance as the level of human civilization increases, standards regarding

[197] Bertrand de Jouvenel, Progresul în om, Bucureşti: Ed. Politică, Bucureşti, 1983, p. 42.

prisons also change periodically. From the Universal Declaration of Human Rights, adopted by the UN in 1948, to the Standard Minimum Rules of 1955, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment of 1988, and the Basic Principles for the Treatment of Prisoners of 1990, all international regulations have set new standards of prison civilization. No matter how much they have been regarded with contempt, and no matter how frequently they have been breached, they have gradually become established, changing not only the regime of prisons, but society as a whole. For example, anti-communist political prisoners were released from detention in 1964 as a consequence of Romania's adhering to such international treaties.

Since these standards are intended to apply to a vast variety of cultures and peoples, they have a high degree of generality, and refer only to minimum conditions that must be accepted. However, specialists must go beyond their framework and seek new ways in which punishment in society can be as correct and as humanely applied as possible, restoring the harmony in people's lives that has been destroyed by criminal action.

Conclusions: The future of the Romanian penitentiary system

It would be very naïve for us to believe that the authorities are not looking for solutions to improve prison life. Specialists within the prisons are seeking such solutions, as are those in the central administration. The problems presented here have been known to them for a long time—indeed they recognize that they are only the tip of the iceberg. The reasons why changes have been too small and too rare are hard to explain for them too, and the future of the institution can only be sketched faintly, though it looks sombre. On the one hand, because politicians use it as a form of blackmail, and on the other, because crime creates a state of insecurity that encourages discourses of "zero tolerance" and consequent toughening of the detention regime.

Debates on the abolition of prisons are ignored from the start, on the grounds that every society produces criminality, and punishment is the solution for its control. At the very beginnings of sociology, Durkheim stated clearly that crime and punishment are normal phenomena in society.[198] Modernity imposed the prison as the most important institution of punishment, just as antiquity imposed slave labor, and feudalism torture and corporal punishments.

From the beginning, the prison has been the target of numerous criticisms, many of which have been presented in this book. Theories of its uselessness (it does not re-educate, does not individualize punishment, develops a useless culture, is unprofitable, does not reduce the population's feeling of insecurity, does not reduce the crime rate, etc.), led quickly to theories that it is actually harmful (it creates delinquency and increases recidivism, becoming a true "university" of crime, throws the families of prisoners into squalor, maintains a state of barbarism, facilitates the gathering of convicts into gangs that endanger the public, facilitates abuses and thefts on the part of staff who are impossible to control, absorbs enormous sums of money, significantly more than other public institutions, etc.).

Analyzing these aspects, Gary Becker, winner of the Nobel Prize for economics, proposed that all punishments based on deprivation of

[198] Emile Durkheim, Regulile metodei sociologice, Bucureşti: Ed. Ştiinţifică, Bucureşti, 1976, pp.66-68

freedom should be replaced by fines. In his view, the costs of criminality are enormous, not only those directly related to the crime itself (the harm done to the victim and to society), but also those resulting from its repression (the costs of policing, trials, detention, and the protection of citizens). The sum spent annually on keeping a prisoner in the New York prisons is equal to the annual scholarship of an American student studying at a foreign university: the prestigious Oxford, for example. No criminal experiences the costs of his actions, only the profit that he may obtain, which is almost always smaller. For Becker, analytically speaking, crime is apparently just like any other activity that produces a negative externality, and analytical differences disappear completely when crimes are punished with fines.[199] If the criminal were punished with a fine to cover all the costs of repressing his action, plus a proportion of his income over a certain period of time, the positive effects of this punishment in society would be much more visible than those of imprisonment. Supplemented by a series of more diffuse sanctions (publication of apologies in newspapers, acknowledgment of criminal actions in the presence of the community, etc.), the fine could successfully replace the prison for all types of punishment.

Moreover, there is no connection between the number of criminal acts committed and the number of people imprisoned. In view of this, why should we keep 50,000 prisoners, when we could keep 25,000, as the European Union recommends? And if we agree to halve numbers in this way, why not halve the remaining number, and so on until we end up agreeing to the disappearance of the prison altogether? The reduction in the rate of imprisonment in the last few years has had no effect on the crime rate. Consequently, the number of people that need to be deprived of their freedom depends only on the decision of certain individuals in positions of authority. As most offences concern property, the public has a greater interest in compensation than in locking up the offender.

Taking into consideration the negative effects, a movement for the abolition of prison emerged about 40 years ago in the Nordic countries. A meeting in 1966 at Strömsund in Sweden brought together victims of crime, politicians, local activists, prison officers, academics, and prisoners, to discuss the future of prisons. There was general agreement that prison should be used only as a last resort as an alternative to non-custodial sentences. This was the beginning of a movement against

[199] Gary Becker,"Crime and Punishment,"Journal of Political Economy, 76 (2), 1968, p. 201

prisons and against the penal justice system as a whole. One of its founders, Thomas Mathiesen predicted that the penitentiary system would inevitably be replaced by a system of conflict-resolution oriented toward civil law, and argued that just as Sweden had resolved to give up the use of nuclear power stations by 2010, it would be a good idea to give up the use of prisons too.[200]

The alternatives to prison have long been known. The United Nations Standard Minimum Rules for Non-custodial Measures (the so-called Tokyo Rules), adopted by the UN General Assembly on 14 December 1990, propose a series of sanctions that courts can impose on offenders instead of prison: "a) Verbal sanctions, such as admonition, reprimand, and warning; b) Conditional discharge; c) Status penalties; d) Economic sanctions and monetary penalties, such as fines and day-fines; e) Confiscation or an expropriation order; f) Restitution to the victim or a compensation order; g) Suspended or deferred sentence; h) Probation and judicial supervision; i) A community service order; j) Referral to an attendance centre; k) House arrest; l) Any other mode of non-institutional treatment; m) Some combination of the measures listed above." And the Council of Europe, in Appendix II of Recommendation (2000) 22, suggests the following examples under the heading "Guiding principles for achieving a wider and more effective use of community sanctions and measures": "alternatives to pre-trial detention such as requiring a suspected offender to reside at a specified address, to be supervised and assisted by an agency specified by a judicial authority; probation as an independent sanction imposed without pronouncement of a sentence to imprisonment; suspension of the enforcement of a sentence to imprisonment with imposed conditions; community service (i.e. unpaid work on behalf of the community); victim compensation/reparation/victim-offender mediation; treatment orders for drug or alcohol misusing offenders and those suffering from a mental disturbance that is related to their criminal behavior; intensive supervision for appropriate categories of offenders; restriction on the freedom of movement by means of, for example, curfew orders or electronic monitoring imposed with observance of Rules 23 and 55 of

[200] Dr. Monika Płatek (Faculty of Law, University of Warsaw, Poland; President of the Polish Association for Legal Education), "Standarde internaționale și europene în legătură cu alternativele pedepselor privative de libertate" (International and European standards regarding alternatives to custodial sentences), at www.irp.md

the European Rules; conditional release from prison followed by post-release supervision."

Although international legislation is legally binding in Romania too, the application of such standards has been delayed on the grounds that alternative punishments are not included in the Criminal Code. The real reason why they have not been applied is a matter of routine, convention, and the refusal to think differently. Probation has been legal for a long time, but has remained an empty word, as the probation system is not in good order, although it would be just as possible to argue that prisons are not in good order either, being filled beyond their capacity. The procedures of conditional release, release for work or study, reduction of sentence, and pardon have long been permitted by law, but in practice they are only used in exceptional cases. Thus it is not legislation that prevents the use of alternatives to detention, but a certain totalitarian ideology, kept in place by inertia and indifference, which dominates the judicial profession and the political class. For this reason they do not even inform the public about the negative effects of incarceration and the benefits of alternative measures, thus breaching the international rules that they profess to embrace.[201]

The conservatism of the judges, based on the conviction that alternative measures have nothing like the intimidating effect of prisons,

[201] Recommendation (2000) 22 of the Council of Europe includes rules directed precisely at the political dimension of effective implementation of probation and community measures:

> "15. Political and administrative leaders and the general public should receive recurring information on the economic and social benefits accruing from a reduced recourse to imprisonment and an increased recourse to community sanctions and measures. There should be a declared public relations policy concerning local media. The information should emphasise that community sanctions and measures can involve the effective supervision and control of offenders.
>
> 16. Judicial authorities and the staff of implementation services should create channels of communication that make for the regular discussion of the practical aspects of recommending and implementing community sanctions and measures.
>
> 17. As reintegration into the community is an important aim of community sanctions and measures implementation services should actively co-operate with local communities, e.g. by involving persons drawn from the community in offender supervision or by collaborating in local crime prevention schemes.
>
> 18. The introduction of new community sanctions and measures into legislation and practice should be accompanied by vigorous public relations campaigns with a view to winning public support."

has kept and will continue for a long time to keep local public administration away from the penal system, although their partnership should have become a normal thing long ago, if we think about the use of community service as a punishment. The refusal to apply these punishments is related the lack of judicial control over other public institutions. For if the administration of a punishment is handed over to one institution outside the judges' sphere of influence, why should it not be handed over to other institutions: churches, universities, NGOs, or even private companies? [202] The idea is rejected on the grounds of their lack of experience, and prison is preferred instead, although its negative experience has long been well known, and is much more serious than the lack of experience of the others, which could be helped by an adequate normative framework. There is a streak of totalitarian-communist ideology in all the repressive arguments. The advantages of community service have long been validated by the practice of Western countries and should be reaffirmed in order to combat the theoretical disadvantages proclaimed by the post-communist regimes. Zdeněk Karabec points out that community service frees space in prisons for serious offenders, costs less than detention (even if there are some administrative costs for the taxpayer), gives the public a greater role in re-educating and resocializing offenders, increases public interest in how they are treated, and gives community members a sense of responsibility for exercise of criminal justice. [203] To argue that community service is taking bread from the mouths of honest workers hired by the local administration and giving it to criminals who are left free to commit more crimes is to deny all its far more numerous positive effects, and indirectly to offer a justification for severe repression. Dr. Karabec has further argued out that far from indicating a soft attitude to crime, the use of alternative sanctions allows the concentration of repressive force against the most serious crimes and the most dangerous criminals. [204]

[202] In Israel, probation comes within the remit of the Ministry of Labor and Social Affairs; in Canada, some non-custodial sentences are carried out under the supervisions of NGOs; in the Netherlands, churches are also involved; in the USA, even private companies are co-opted to the administration of punishment; and in Japan, all punishment institutions are put under the command of a university committee.

[203] Dr. Zdeněk Karabec, Penal Reform International, Alternative la detenţie, at www.irp.md

[204] Dr. Zdeněk Karabec, International Conference, Alternative la detenţie în Europa Centrală şi de Est, Bucharest 10-11 Septembrie 2001

As the judiciary authority become more and more directly involved in a European political process, its absorption of the administrative, religious, university, and private spheres will strengthen its role as the main pillar of social control, while at the same time bringing it closer to the community, and removing it from the national, extra-community area and total dependence on the political game. With the redefining of the role of justice in the community, punishments will be softened, and prison will be transformed from the principal element of repression into a community custodial institution.

The colonization of the social by the judiciary will end the disjunction between the moment of judgment and execution of the sentence, instituting a judicial continuum through multiple control mechanisms. And the breaking of the prison's current monopoly on the execution of sentences will introduce competition among the various services that will manage sanctions. This will mean an end to the "judicial business" that prisoners currently engage in, starting legal proceedings against all sorts of people for all sorts of motives, and so save the judicial system a mass of work and colossal costs. The predominance of the civil over the criminal will raise the importance of social, medical and religious specialists, and marginalize the repressive staff with police backgrounds.

Already in the inter-war period, Ion Tanoviceanu, law professor and member of the Governing Council of Văcăreşti Prison, demonstrated that "the severity of repression was a continual cause of a hardening of behavior, feeding the aggression of fierce criminals and increasing their number. Only after punishments began to be softened was there a powerful shift from bloody criminality to fraudulent criminality. Of course, these lessons were dearly bought by humanity, but, as we can see, there always have to be sacrifices." [205]

When the social is brought into the penal field, justice will no longer be able to withdraw to the margins, to organize itself in places outside society, encouraging magistrates to lose interest after they have passed sentence. This lack of interest has created inequalities of status among the personnel of the justice system, with those in charge of prisons being thrown to the bottom rung of the hierarchy, and work in prison being perceived as a form of punishment or as one of the inevitable miseries of the job, to be got rid of as quickly as possible. This lack of interest—

[205] Ion Tanoviceanu, Tratat de procedură penală, Bucureşti, Facultatea de Drept, 1927, p. 49.

based on a totalitarian philosophy and penal policy—has permitted the development of prisons as harmful institutions, cancer cells in the social body.

In spite of all impediments, Romanian prisons have to follow the general European tendency of opening toward society and humanization of the detention regime. The changes that will occur will raise the public visibility of prisons, which will lead to an increase in social reactions. The waste of resources and the precarious state of health provision will be the first aspects that will become evident, attracting financial and medical controls. The judicial monopoly will disappear, and a triple authority will be set up, with areas of independence and different points of view, which will change the rules by which prisons function. The visibility of the penal field is a fundamental component of its effectiveness. This fact will bring forward staff capable of communicating both with the public and with the prisoners.

In some states there are already open-circuit radio and television stations in prisons, broadcasting outside the institution. In South Africa, the "Justice TV" channel, which started with prisoners, has extended to cover the whole judicial field (courts, police, preventive custody centers, dependent companies and institutions), and after just a year of operation, the changes are hard to stop. Reportage from prison, made by prisoners, duplex links between various establishments, live broadcasts from courts of justice, video images from the police cells, staff surveys: all these have brought massive changes. The job of reporter has become one of the most sought after specialties in prisons. A series of guards, prison directors, and magistrates have been arrested as a result of revelations made by prisoners, and courtroom dealing has been considerably reduced. The hierarchical authority that characterized the organization of the Ministry of Justice and the central administration of prisons has crumbled, together with the values that it was based on. The establishment of a similar television channel in Romania would do more for the dynamism of judicial reform than all the debates in Parliament.

Looking beyond structural changes, the coming years will see a pronounced deculturalizing and civilizing of the prison machinery. Organizational culture, defined as the spirit of the place, the perfume of an institution, is essentially composed of a global vision, an overall view that levels thoughts and behaviors. The stronger the culture, the fewer chances individuals have to express their personality. Prison culture inevitably crushes individualities, perverting them or converting them into human types that are of no use to anyone, indeed harmful. It

desocializes and at the same time equalizes failure. The systematic refusal of civilization and the embracing of barbarism as a virtue is a way of refusing society. It is expressed through a discourse of "appeal to law," "crisis of values," "rising delinquency," "zero tolerance"—as acceptable symbolic forms through which the repressive security ideology insinuates itself.

The predictable expansion of the penal field into the public space will mean that issues of penalties and criminology will no longer be confiscated by a judicial and police discourse, but will be opened up to a multiplicity of fields of scientific knowledge: psychological, psychiatric, medical, sociological, demographic, statistical, religious, architectural, historical, political scientific, etc.

Even if penalties are determined by the Criminal Code and the Criminal Procedure Code, they affect the whole of society, and society—through its experts—will have to move the discourse from the necessity of the law to its effects.

The repositioning of the penal field in a humanitarian vision will depopulate the prisons, and highlight even more their grotesque aspect: gigantic buildings and walls, erected over time by a terror of disorder in minds incapable of accepting the diversity of human behavior. As it is most likely that in the near future small prisons will be built within communities, the existing mammoth jails will be included in an international area, as places for the detention of migrants, refugees, and people who have crossed the border illegally—who will become more numerous after the integration of Romania in the European Union.

It is clear that the prison will not disappear in the near future, because it will be the only solution for the isolation of individuals who present a high level of danger. It has not disappeared from any civilized country. But the number of inmates will fall from year to year, and the prison will become a civilian custodial institution, operating in a competitive penal market. With individual cells, decently equipped, with cultural-educational and health programs whose efficiency will have to be systematically evaluated, with a highly qualified civilian staff, the prisons of coming years should no longer have to evoke any memory of the barbarism, lack of civilization, and abuses of the present day.

The creation of a European prisons administration will establish minimum standards of civilization and will remove the Romanian prisons from the currently existing central authority, which represents the principal hindrance to the modernization of the prison system. The role of a European administration would be to supervise the manner in

which the laws are applied, not to collect public funds and distribute them to penal establishments. This attribute has opened the door to corruption at the top of the system, and encouraged its generalization down to the lowest level of the hierarchy. The transfer of the running of prisons to a number of public and private institutions would lead either to the abolition of the national administration or to its transformation into a branch of the European administration, with its role strictly limited to seeing that the law is respected.

It is probably that these changes will not undo the inevitable negative consequences of incarceration (the emergence of increasingly intolerable internal rules, the degradation of living conditions, the removal of responsibility from prisoners, promiscuity, etc.), reinforcing the idea of a pathogenic institution that cannot be reformed.[206] But they will have the role of doing away with the prison-centeredness[207] of the penal system, which has set the prison sometimes in a state of war with society, sometimes in a state of dependence on it, but always at its margins. Bring it into the middle of society and exposing it to permanent public visibility, will bring about not only an increase in legitimacy, but also a new vision on punishment, in which the prison will play a much more mediocre role, close in a way to that which it played in the Middle Ages: either a refuge for the mentally and sexually unbalanced, or a place of transition on the way to other punishments, though this time not corporal ones.

[206] Perrot Michelle, L`impossible Prison, Paris: Ed. Seuil, 1980

[207] Gilles Chantraine, "Prison et regard sociologique. Pour un décentrage de l'analyse critique," Champ pénal revue, Vol. I, May 2004, http://champpenal.revues.org

Author Biography

Bruno Ştefan, Ph.D. (born 1969), is a sociologist and Associate Professor at Bucharest Polytechnic University. He has published several studies and several books on the Romanian prison system. He has conducted hundreds of interviews with inmates, staff members, political leaders, non profit organization activists and the general public. He has also published widely in the field of inter-ethnic relations and trade union cultural values. He is the founder and director of The Social Research Bureau (BCS), one of the most respect Romanian polling organizations.

The Romanian language version of this book was published by the European Institute Publishing House, in 2006.

More details about the author at http://sondaje.info and http://cercetari-sociale.ro.

Bruno Stefan's book is one of the first and most detailed accounts in English of the challenges involved in integrating a post communist prison system in the European Union. The author has personally interviewed over several years hundreds of prisoners, guards, administrators, and their families. The result is a one of a kind detailed account of daily life in Romanian prisons.

"In June 2004, Ionut Cristinel Maftei, 24, a prisoner serving 5 years for stealing two horses, was killed in Iasi Penitentiary by the warden, Gabriel Geger. Irritated by the prisoner's rebellious, sarcastic and annoying behavior, the warden, standing in the hall of the department, violently yanked Maftei's arm while the prisoner was attempting to exchange merchandise (cigarettes for cans) with another prisoner from the neighboring cell through a sort of peep hole, thus smashing the prisoner's head against the wall, dislocating his skull in front of dozens of other prisoners—a terrified but passive audience to the crime. This is the image of the Romanian penitentiary system today: promiscuous, destructive for prisoners and staff alike, deleterious to their sense of responsibility and their attachment to the values of a normal society. Beyond the declared purpose of re-education, a penitentiary universe exists that works according to its own laws, most of which unwritten, but nevertheless born from written ones. This universe engenders a culture where its members feel, think and act in ways which may seem unusual, but are only natural to the insiders."

Photo: Sighet Memorial Prison. Sacrificial Cortege. Sculpture Aurel Vlad, Photo Dana Grad. Photo made available by Dana Grad under a Creative Commons Attribution 2.5 license through Wikipedia.

INTER ACADEMIC PRESS

ISBN 978-1441439291

9 781441 439291 90000 >